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ABSTRACT

Current versions of Massachusetts state laws, regulations, policy statements, and guidelines concerning the education of limited-English-proficient (LEP) children are compiled here. They include: a policy statement from the state board of education; a synopsis of the mandatory transitional bilingual education law of 1971, in question-and-answer form; the text of the same law; regulations for administering transitional bilingual education programs; guidelines for parental involvement in bilingual programs; guidelines and program models in the education of language minority students; the text of legislation prohibiting discrimination in public schools; regulations concerning access to educational opportunities; guidelines for designing appropriate education programs for small LEP populations (less than 20 in a school district for a given first language) at different grade levels; and legislation concerning establishment of a state bureau of transitional bilingual education. (MSE)

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Educating Language Minority Students

Laws, Regulations, Policies and Guidelines in the Commonwealth of Massachusetts

December, 1992

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Department of Education

Educating Language Minority Students

Laws, Regulations, Policies and Guidelines in the Commonwealth of Massachusetts

December, 1992

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The Commonwealth of Massachusetts
Department of Education

1385 Hancock Street, Quincy, Massachusetts 02169-5183

M E M O R A N D U M

TO: Superintendents, Massachusetts School Districts

FROM: Robert V. Antonucci, Commissioner of Education

DATE: December 1992

RE: Educating Language Minority Students: Laws, Regulations, Policies and Guidelines in the Commonwealth of Massachusetts

Massachusetts school districts are enrolling increasing numbers of students who speak a language other than English. In the last decade, the language minority student population doubled in size and represents twelve percent of all students attending the public schools in the Commonwealth.

In keeping with the Board of Education's adopted Cornerstone for Education Reform that states: **All students shall have equal opportunity to receive a high-quality education that prepares them to succeed as productive citizens**, the attached document is intended to provide assistance to Massachusetts school systems in designing and implementing effective instructional programs for language minority students.

The educational challenges and opportunities facing many educators throughout the Commonwealth will help all of us to expand, validate and acknowledge the educational and linguistic needs of these new students. The contributions of students and their families when recognized and incorporated into our teaching endeavours will foster a harmonious and better society.

Chapter 71A
Transitional
Bilingual Education

Educating Language Minority Students:

Laws, Regulations, Policies and Guidelines in the Commonwealth of Massachusetts

December 1992

Bureau of Equity and Language Services
Massachusetts Department of Education
1385 Hancock Street
Quincy, Massachusetts 02169

PREFACE

Well over a decade ago, the Massachusetts Department of Education issued a compilation of the then existing laws, regulations and guidelines for the education of language minority students in the commonwealth. That publication, called "Two Way", soon emerged as one of the most commonly used resources for educators involved in the development and implementation of Transitional Bilingual Education programs in Massachusetts. Through the ensuing years, due to changes in laws and regulations and the issuing of more up-to-date guidelines, the information in "Two-Way" gradually became more and more obsolete. With the contemporary information provided in this publication, the "Two Way" booklet is now superseded.

The present publication, "Educating Language Minority Students: Laws, Regulations, Policies and Guidelines in the Commonwealth of Massachusetts", brings together the most current versions of the laws and regulations and adds policy statements and guidelines from the Board of Education which were not available in "Two Way". As such, this compilation forms a broad and useful resource for the implementation of programs reflective of the mandated aspects of education for students whose first language is other than English.

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A POLICY STATEMENT ON

THE EDUCATION OF LANGUAGE MINORITY STUDENTS

Adopted by the Board of Education on June 27, 1989

All pupils should develop respect for personal and cultural differences, and linguistic minority pupils should experience in-the-school support for finding their way between two cultures. School organization and staff should model the respect and openness that they seek to develop in their pupils, neither denying the ways in which linguistic minority pupils differ from majority pupils, nor stereotyping these differences positively or negatively, nor assuming that the school's mission is to make all pupils the same.

Language and cognitive proficiency, and respect for human differences and for oneself, are learned through daily experience. It is the responsibility of the principal and of individual teachers to organize the school and classroom so that pupils are challenged to use language, to think, to solve problems, to create, and to cooperate in these tasks with fellow pupils who differ from them in many ways.

While many pupils will need various forms of additional support, this should so far as possible, be integrated into the learning experiences which they share with pupils whose needs and strengths are different. Relegation of linguistic minority pupils to separate less-demanding curricula (even if undertaken with good intentions) is unfair to them and to their schoolmates.

School should give a clear and consistent message about their expectations for what all pupils-including linguistic minority pupils--should learn. Assessment of competencies and knowledge should be sensitive to language and cultural factors, but it should never give the message that the school holds lower expectations for linguistic minority pupils.

Language and cognitive development are closely related and fundamental; they should be continually stimulated in both (or all) of the languages spoken by linguistic minority pupils. Language development should be a conscious part of teaching in math and science as much as in "language arts," and all teachers should possess appropriate insight and skills in this area.

The opportunity to continue to develop proficiency in a language other than English should be made available to linguistic minority pupils as an enrichment of their education, not as a remedial measure.

GENERAL SYNOPSIS
TRANSITIONAL BILINGUAL EDUCATION LAW
CHAPTER 71A

The General Court passed a mandatory transitional bilingual education law in 1971. Each year school committees throughout the state are required to determine the number of children of limited English-speaking ability in their districts. Where there are more than twenty children of limited English-speaking ability of any one language group (children in parochial schools excluded), the school committee is required by Chapter 71A to provide a program in transitional bilingual education.

What does a program in transitional bilingual education consist of?

In an educational program of transitional bilingual education, the medium of instruction of all required courses shall be in the student's native language initially, and then to an increasing degree, in English. The instructional objectives of the program are:

1. the development of reading and writing skills in the native language;

2. the development of oral comprehension, speaking, reading and writing of English. An integral component of the program in transitional bilingual education shall be instruction in the history and culture of the country of the student's primary language and in the history and culture of the United States. The program shall be a full-time program and shall be up to three years duration for each student.

The intent of the law is **not** to segregate the students of limited English-speaking ability, but rather, to integrate these students within every area of the school. The transitional bilingual education classes are required to be located in the regular public schools, wherever feasible. Thus, limited English proficiency (LEP) students can participate with other students in courses which do not require extensive verbalization, such as art, music, and physical education. LEP students should also be given full opportunity to participate in extra-curricular activities, such as school sports and school clubs. In addition, English-speaking children may also be enrolled in the transitional bilingual classes.

The transitional bilingual education classes shall be composed of students of approximately the same age and level of academic attainment. Classes may also be offered in pre-school programs and summer school programs.

Who has the right to transitional bilingual education?

Any child whose primary language is other than English (in a number of 20 or more children of the same language group in any school district) who has difficulty performing ordinary classwork in English has the right to participate in a TBE program.

What are the obligations of the local school committees?

The local school committee shall determine how many children of limited English-speaking ability there are within each school district. This shall be done not later than the first day of March of the preceding school year. In any school district where there are twenty or more children of limited English-speaking ability in one language group, the school committee shall be responsible for the development of the transitional bilingual education program.

The school committee shall notify the parents or legal guardians of the student's enrollment in the program no longer than ten (10) days after the student is enrolled in the transitional bilingual education program. The notification of enrollment must be both in English and in the native language of the parents or guardian and must include the following information:

1. a clear statement of the purpose, method and content of the transitional bilingual education program;

2. a statement of parental rights which shall include:

    a. visits to the transitional bilingual classes,
    b. conferences with school personnel, and
    c. the right to withdraw the student at any time upon written notification to school authorities.

A school district may accept eligible non-resident students for the transitional bilingual education classes.

School districts may combine with other districts to provide transitional bilingual education programs.

Who may teach in the transitional bilingual education classes?

Certification standards are established by statute and Board of Education regulations, and teachers in bilingual education classes must be certified according to those criteria.

The school committee may not prescribe additional teacher qualifications, except if they are specifically approved by the Board. Also, a school committee may request a waiver of the certification requirements if it is not able to secure sufficiently certified bilingual teachers.

The teachers of transitional bilingual education, including those exempt from the certification criteria, shall be paid by the local school committee at the same level as permanent teachers. Two years of service while teaching under the exemption that immediately precede a year of service under a certificate shall be credited toward tenure, once the teacher has fulfilled the certification requirements.

How is education funded in the Commonwealth of Mass?

The revenues used for the education of students in the State are a combination of local, state and federal sources.

The budgeted revenues for FY'92 in the total amount of $5,392,355,000 were distributed in the following percentages:

a)	local revenues	62.06%
b)	state revenues	32.19%
c)	federal revenues	5.75%

All students of mandatory attendance age (6-16) enrolled in our public schools benefit from the monies raised in accordance with applicable state and federal statutes and regulations.

Based on criteria established in 1978 through the passage of M.G.L. Chapter 70 and amendments, the per pupil weights in the four regular day programs are as follows:

1)	regular education	1.00
2)	bilingual education	1.40
3)	vocational education	2.00
4)	special education	4.00

These pupil weights are designed to reimburse municipalities for the added cost of special services that must be provided to certain types of students.

To determine a municipality's sum of weighted pupils, each type of student in the system is multiplied by his/her corresponding cost weight.

Further details on state aid for education are provided on the Cherry Sheet Manual published by the Massachusetts Department of Revenue - Division of Local Services.

What are the obligations of the Department of Education?

The Bureau of Transitional Bilingual Education was established by legislation, M.G.L. Ch. 69, Section 35 to be headed by a project director.

The responsibilities of the Bilingual Bureau will be:

1. administration and enforcement of the law;

2. development of guidelines and regulations;

3. provision for maximum feasible participation of parents of children of limited English-speaking ability in the planning, development and evaluation of transitional bilingual education programs in the districts serving their children;

4. provision for the participation in the formulation of policy and procedures from a wide spectrum of people concerned about the education of children of limited English-speaking ability;

5. development of information on relevant resources and materials;

6. development of the theory and practice of bilingual education;

7. encouragement of experimentation and innovation in bilingual education;

8. recommendations in the areas of pre-service training, curriculum and materials development, testing and other areas where needed.

This Bureau shall determine if the school committees have complied with the provisions of the law and its regulations.

Chapter 71A
TRANSITIONAL BILINGUAL EDUCATION

Section 1.

The following words, as used in this chapter, unless the context requires otherwise, shall have the following meanings:

"Department", the department of education.

"School committee", the school committee of a city, town or regional school district.

"Children of limited English-speaking ability", (a) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (b) children who were born in the United States of non-English speaking parents and who are incapable of performing ordinary classwork in English.

"Teacher of transitional bilingual education", a teacher with a speaking and reading ability in a language other than English in which bilingual education is offered and with communicative skills in English.

"Program in transitional bilingual education", a full-time program of instruction (a) in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English; (b) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English; and (c) in the history and culture of the country, territory or geographic area which is the native land of the parents of the children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

Section 2.

Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability.

When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in transitional bilingual education for the children therein; provided,

however, that a school committee may establish a program in transitional bilingual education with respect to any classification with less than twenty children therein.

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which the student belongs by the city, town or school district in which the student resides for a period of three years or until such time as the student achieves a level of English language skills which will enable the student to perform successfully in classes in which instruction is given only in English, whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, in the discretion of the school committee and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school committee shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to the student's third year of enrollment therein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination which, in the determination of the department, reflects a level of English language skills appropriate to his or her grade level.

If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, that student may be reenrolled in the program for a length of time equal to that which remained at the time he or she was transferred.

Section 3.

No later than ten days after the enrollment of any child in a program in transitional bilingual education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language in which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment, or at the close of any semester thereafter, to withdraw his or her child from said program by written notice to the school authorities of the school in which the child is enrolled or to the school committee of the city, town or the school district in which the child resides.

Section 4.

A school committee may allow a non-resident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the city, town, or the district in which the child resides.

Any city, town or school district may join with any other city, town, school district or districts to provide programs in transitional bilingual education required or permitted by this chapter.

Section 5.

Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school committee of every city, town or school district shall ensure to children enrolled in a program in transitional bilingual education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the city, town or district. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the city, town or the district rather than separate facilities.

Children enrolled in a program of transitional bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school committee so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the city, town or the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in programs in transitional bilingual education.

Section 6.

The board of education, hereinafter called the board, shall grant certificates to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. The requirements of section thirty-eight G of chapter seventy-one shall not apply to the certification of teachers of transitional bilingual education. Teachers of transitional bilingual education, including those serving under exemptions as provided in this section, shall be compensated by local school committees not less than a step on the regular salary schedule applicable to permanent teachers certified under said section thirty-eight G.

The board shall grant certificates to teachers of transitional bilingual education who present the board with satisfactory evidence that they (a) possess a speaking and reading ability in a language other than English, in which bilingual education is offered and communicative skills in English; (b) are in good health, provided that no applicant shall be disqualified because of blindness or defective hearing; (c) are of sound moral character; (d) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board; (e) meet such requirements as to courses

of study, semester hours therein, experience and training as may be required by the board; and (f) are legally present in the United States and possess legal authorization for employment.

For the purpose of certifying teachers of transitional bilingual education the board may approve programs at colleges or universities devoted to the preparation of such teachers. The institution shall furnish the board with a student's transcript and shall certify to the board that the student has completed the approved program and is recommended for a teaching certificate.

No person shall be eligible for employment by a school committee as a teacher of transitional bilingual education unless he has been granted a certificate by the board; provided, however, that a school committee may prescribe such additional qualification, approved by the board. Any school committee may upon its request be exempted from the certification requirements of this section for any school year in which compliance therewith would in the opinion of the department constitute a hardship in the securing of teachers of transitional bilingual education in the city, town or regional school district. Exemptions granted under this section shall be subject to annual renewal by the department.

A teacher of transitional bilingual education serving under an exemption as provided in this section shall be granted a certificate if he achieves the requisite qualifications therefor. Two years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring the status of serving at the discretion of the school committee as provided in section forty-one of chapter seventy-one, and said two years shall be deemed to immediately precede, and be consecutive with, the year in which a teacher becomes certified. In requesting an exemption under this section a school committee shall give preference to persons who have been certified as teachers in their country or place of national origin.

All holders of certificates and legal exemptions under the provisions of section thirty-eight G of chapter seventy-one who provide the board with satisfactory evidence that they possess a speaking and reading ability in a language other than English may be certified under this section as a teacher of transitional bilingual education.

Nothing in this chapter shall be deemed to prohibit a school committee from employing to teach in a program in transitional bilingual education a teacher certified under section thirty-eight G of chapter seventy-one, so long as such employment is approved by the department.

Section 7.

A school committee may establish on a full or part-time basis pre-school or summer school programs in transitional bilingual education for children of limited English-speaking ability or join with the other cities, towns, or school districts in establishing such pre-school or summer programs. Pre-school or summer programs in transitional bilingual education shall not substitute for programs in transitional bilingual education required to be provided during the regular school year.

Section 8.

The state treasurer shall annually, on or before November twentieth, reimburse any city, town, regional school district or independent vocational school, for expenditures incurred during the previous fiscal year in the transportation of any pupil enrolled in a transitional bilingual education program and who resides at least one and one-half miles from the school which the pupil attends as measured by a commonly travelled route in the manner hereinafter defined. Such reimbursements shall include: first, an amount for each pupil which is equal to the average transportation services expenditure per pupil,

enrolled in regular day program in said city, town, regional school district or independent vocational school during said fiscal year, provided that each such pupil enrolled in regular day program resides at least one and one-half miles from the school which said pupil attends, and second, the entire amount by which the average transportation services expenditure per pupil enrolled in such a bilingual program in said city, town, regional school district or independent vocational school during said fiscal year may exceed the aforesaid average transportation services expenditure per pupil enrolled in regular day program. In no instance, however, shall the amount or reimbursement for such excess cost per pupil exceed one hundred and ten percent of the average of such excess costs per pupil in all cities, towns, regional school districts and independent vocational schools in the commonwealth during the fiscal year in which such expenditures were made.

In determining each said average transportation services expenditure per pupil enrolled in regular day program in each city, town, regional school district and independent vocational school, the department of education shall use the transportation services expenditure per pupil eligible for reimbursement under sections seven A, seven B, or sixteen C of chapter seventy-one, whichever is higher, during the same fiscal year. The commissioner of education may, by regulation, under the direction of the state board of education, further define the expenditures per pupil to be used in aforesaid computations.

Section 9.

In addition to the powers and duties prescribed in previous sections of this chapter, the department shall exercise its authority and promulgate rules and regulations to achieve the full implementation of all provisions of this chapter. A copy of the rules and regulations issued by the department shall be sent to all cities, towns and school districts participating in transitional bilingual education.

REGULATIONS FOR USE IN ADMINISTERING PROGRAMS IN TRANSITIONAL BILINGUAL EDUCATION

603 CMR: DEPARTMENT OF EDUCATION

Section

(14.01: and 14.02: Reserved)
14.03: Program Administration
14.04: Reimbursement[1]
14.05: Educational Quality
14.06: Preschool and Summer Programs
14.07: Parent Participation
14.08: English Speaking Children
14.09: Joint Programs
14.10: Notice and Withdrawal
14.11: Plans
14.12: Board of Education

(14.01: and 14.02: Reserved)

14.03: Program Administration

1. All provisions contained within the Transitional Bilingual Education Act, M. G.L. c. 71A, are hereby incorporated in these regulations by reference.

2. For the 1972-73 school year, school districts participating in the Transitional Bilingual Education program shall comply with the current school census law, M. G.L. c. 72, s. 2, and any regulation and/or guidelines promulgated by the Commissioner of Education respecting the census.

3. For the 1973-74 school year and thereafter, each school committee shall conduct a census not later than March 1 of each year, of the number of children of limited English-speaking ability resident in the district. Such census shall count children resident in the district both in and out of school. In making such census the school committees shall seek the assistance and cooperation of agencies, organizations, or community groups, public or private, which have access to or information about children of limited English-speaking ability resident in the district. Every effort shall be made to keep the census current.

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[1]*The Provisions of section 14:04 were superceded in 1978 by M.G.L. Chapter 70. This section is printed in this document for historical purposes, only.*

4. Each school district shall designate one regular employee principally responsible for the school district's census-taking activities under the Act.

5. School or non-school personnel conducting the census shall be able to communicate in the home language of the children being counted.

6. Children of limited English-speaking ability shall mean those children who meet the statutory requirements of native tongue and parentage and who have difficulty performing ordinary classwork in English due to problems handling the English language.

7. Each school district shall classify children of limited English-speaking ability within the district by the language a teacher of Transitional Bilingual Education qualified under Section 6 of the Act and the regulations designates as the child's primary language, or the language a parent of such child identifies as the child's primary language. Such language classifications shall correspond to living foreign languages such as Spanish, Portuguese, Chinese, French, Italian, Greek, etc.

8. A local project director, supervisor, or teacher in charge of Transitional Bilingual Education qualifies under Section 6 of the Act and the regulations shall annually evaluate every child considered for placement in Transitional Bilingual Education and determine whether the child is of limited English-speaking ability and therefore eligible for a Transitional Bilingual Education program. Such determination shall be made according to guidelines established by the Bureau of Transitional Bilingual education, and summarized in a short narrative statement entered in the child's school record. No child shall be placed in the Transitional Bilingual Education program unless such evaluation has been made. Every child determined to be eligible shall be placed in a Transitional Bilingual Education program according to the provisions of Section 3 of the Act. In initially establishing Transitional Bilingual Education programs for all eligible children, priority shall be given to establishment of Transitional Bilingual Education programs for younger children. The parent of any child resident in the school district may request evaluation of his/her child for Transitional Bilingual Education, and the school district shall provide such evaluation upon parental request.

9. When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program in Transitional Bilingual Education for all the children therein; provided, however, that a school committee may establish a program in Transitional Bilingual Education with respect to any classification with less than twenty children therein.

10. No school district shall enroll children of limited English-speaking ability of different primary language backgrounds in the same Transitional Bilingual Education class, without prior approval of the Bureau of Transitional Bilingual Education.

14.04: Reimbursement[2]

1. The costs of instruction, training and support, including the cost of Transitional Bilingual Education personnel, materials and equipment, tuition, intra-district transportation, and consultant services, of the children in Transitional Bilingual Education classes under M. G. L. c. 71A, shall, for the amount by which such costs exceed the average per pupil expenditure of the school district for the education of children of comparable age, be reimbursed by the Commonwealth. Such reimbursement shall be made only after approval and certification by the Bureau of Transitional Bilingual Education that funds for Transitional Bilingual Educational personnel, materials and equipment, tuition, intra-district transportation and consultant services were actually expended and that Transitional Bilingual Education classes have met the standards and requirements prescribed by the Act and the regulation.

2. An extra cost figure from 250 dollars to 500 dollars per pupil is considered reasonable for reimbursement under the Transitional Bilingual Act. Extra cost figures in excess of 500 dollars per pupil may be reimbursable under the Act. Considerations justifying extra per pupil cost expenditures in excess of 500 dollars will include planning costs of Transitional Bilingual Education programs, newness of programs, rapid expansion of existing programs, curriculum development, and material acquisition.

3. Determination of the extra costs of programs in Transitional bilingual Education shall be made in conformity with accounting standards now in use, developed and to be developed by the Department of Education.

4. The costs of tuition for teachers or teacher aides training programs, when the teacher or teacher's aide will teach or aide in teaching the Transitional Bilingual Education program in the following semester or school year shall be reimbursable up to an amount not exceeding 5 percent of the total reimbursable costs under this Act.

5. Extra costs of providing intra-district transportation for students enrolled in Transitional Bilingual Education programs shall be reimbursable under the Act. However, no intra-district transportation expenses shall be reimbursable unless children of limited English-speaking ability cannot be accommodated within existing intra-district transportation schemes, other state transportation funds are not available, and the Bureau of Transitional Bilingual Education has approved such intra-district transportation as necessary for carrying out the purposes of the Act.

6. No school district shall decrease the level of local expenditure devoted to programs in Transitional Bilingual Education without prior approval of the Bureau of Transitional Bilingual Education.

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[2]*See Footnote 1. (Previous page). The new regulations 603CMR 10.07 and 10:15 - State Aid: Student and Financial Accounting, Reporting and Documentation Requirements for Transitional Bilingual Education Programs were adopted by the State Board of Education in 1978 to reflect the legislative changes incorporated in Chapter 70 - State Aid for Education.*

7. No school district shall divert federal funds now expended on the education of children of limited English-speaking ability to other uses without prior approval of the Bureau of Transitional Bilingual Education. However, school districts may use federal funds for educational programs of benefit to children of limited English-speaking ability not satisfying the definition of Transitional Bilingual Education contained in the Act. It is recommended that federal monies be used for non-reimbursable and non-reimbursed costs of programs in Transitional Bilingual Education and other programs benefitting children of limited English-speaking ability.

8. In the event that reimbursable expenditures under the Act exceed total available state money for reimbursement, local districts shall receive reimbursement calculated as follows:

reimbursement -- $\frac{\text{Total available state money}}{\text{Total reimbursable expenditures under M.G.L.c.71A}}$

Local district reimbursement -- % reimbursement x local reimbursable expenditures

9. Costs of Transitional Bilingual Education programs other than those actually reimbursed under the Act shall be "reimbursable expenditures" within the meaning of M.G.L.c.70 and shall be reimbursed under said Chapter.

10.07: Student Accounting, Reporting and Documentation Requirements: Transitional Bilingual Education Programs

1. Membership data for approved transitional bilingual education programs shall be reported on a full-time equivalency basis, using the following formula to compute full-time equivalency for each student enrolled in an approved transitional bilingual education program:

$$\text{Full-time equivalency} = \frac{\text{hours of direct transitional bilingual education instruction/week}}{\text{length of individual student program/week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

2. Membership data for students enrolled in approved pre-school and kindergarten transitional bilingual education programs shall be reported on a full-time equivalency basis according to the following formula:

(a) The following formula shall be used in computing the transitional bilingual education full-time equivalency for each pre-school and kindergarten student enrolled in a transitional bilingual education program:

$$\text{Full-time equivalency} = \frac{\text{hours of direct transitional bilingual education instruction/week}}{\text{length of individual student program/week}} \times \frac{\text{days in membership}}{\text{length of school year}}$$

(b) Each school district shall report transitional bilingual education pre-school and kindergarten full-time equivalency membership separately from all other transitional bilingual education program full-time equivalency membership.

(c) Each school district shall also report the average daily hours of instruction for approved transitional bilingual education pre-school and kindergarten programs.

(d) The Department of Education will convert the reported full-time equivalency membership data for pre-school and kindergarten consistent with M.G.L. c.70, s.2 as amended to calculate state aid.

3. Each local school district shall maintain the following documentation to support reported student data in all approved transitional bilingual education programs:

(a) A transitional bilingual education roster identifying the students and the amount of time spent in the program.

(b) Approval of the program(s) in writing by the Director of the Bureau of Transitional Bilingual Education, in accordance with 603 CMR 14.11(7).

4. Membership data for the approved transitional bilingual summer education program shall be reported on a full-time equivalency basis, using the following formula to compute full-time equivalency for each student enrolled in an approved transitional bilingual summer education program:

$$\text{Full-time equivalency} = \frac{\text{days in membership}}{\text{length of program}}$$

(a) This membership data shall be reported separately.

(b) A transitional bilingual summer education roster identifying the students shall be maintained.

10.15: Financial Reporting and Documentation Requirements: Transitional Bilingual Education Programs

1. 2100 - Supervisory Services.

(a) The salary of a full-time transitional bilingual education project director, supervisor or teacher in charge in accordance with Chapter 71A, section 8, shall be reported in total.

(b) A project director, supervisor or teacher in charge who has part-time supervisory responsibilities for transitional bilingual education shall have a portion of his/her salary reported as supervisory services according to the following fraction:

$$\frac{\text{time spent in transitional bilingual education supervision}}{\text{time spent in all programs}}$$

2. 2300 - Teaching Services.

(a) The salaries of full-time transitional bilingual education teachers and English as a second language teachers who are certified or who have a prior waiver and are working in approved transitional bilingual education programs shall be reported in total.

(b) The salaries of a part-time transitional bilingual education teacher and part-time English as a second language teacher described in 603 CMR 10.15(2)(a) in approved transitional bilingual education programs shall be reported according to the following fraction:

$$\frac{\text{time spent in transitional bilingual education}}{\text{time spent in all programs}}$$

(c) Salaries of teacher aides working full or part-time under the supervision of a certified transitional bilingual education or English as a second language teacher shall be reported according to the fraction in 603CMR 10.15(2)(b).

(d) Expenditures for consultants retained specifically for transitional bilingual education evaluation, staff training/development, curriculum development and other activities related to transitional bilingual education shall be reported. Such reported expenditures shall be supported by written contracts or similar documentation.

3. 2400 - Textbooks. Expenditures for textbooks used by transitional bilingual education students in transitional bilingual education shall be reported.

4. 2700 - Guidance Services. In all schools with an approved transitional bilingual education program(s), all expenditures for guidance service shall be reported according to the following fraction:

$$\frac{\text{number of students in transitional bilingual education program}}{\text{total number of students}}$$

OR

$$\frac{\text{time spent with students in transitional bilingual education program}}{\text{total time spent with all students}}$$

5. 2800 - Psychological Services. In all school with an approved transitional bilingual education program(s), all expenditures for psychological services shall be reported according to the following fraction:

$$\frac{\text{number of students in transitional bilingual education program}}{\text{total number of students}}$$

OR

$$\frac{\text{time spent with students in transitional bilingual education program}}{\text{total time spent with all students}}$$

6. 6200 - Civic Activities. Expenditures directly attributable to Parent Advisory Councils under an approved transitional bilingual education program shall be reported.

7. 7300 - Acquisition of Equipment, 7400 - Replacement of Equipment. Any equipment acquisition or replacement that is directly attributable to an approved transitional bilingual education program shall be reported.

8. 9100 - Programs with other Systems in Massachusetts. Each local school district shall report all tuition expenditures for students in approved transitional bilingual education programs according to the fraction in 603CMR 10.15(2)(b).

9. Approved Transitional Bilingual Summer Education Program. All staff, equipment, materials supplies, facility costs associated with this program(s) shall be reported in full.

10. Documentation Requirements. Each local school district shall maintain all documentation required under 603CMR 10.15(5), 10.07(2) through 10.07(4).

14.05 Educational Quality

1. Programs in Transitional Bilingual Education shall mean a full-time program of instruction
   (a) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district in the native language of the children of limited English-speaking ability who are enrolled in the program and in English;
   (b) in the reading and writing of the native language of the children of the program and in the aural comprehension, speaking, reading and writing of English; and
   (c) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

2. Instruction in courses of subject included in a program of Transitional Bilingual Education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school committee of every city, town or school district shall ensure to children enrolled in a program in Transitional Bilingual Education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the school district. Programs in Transitional Bilingual Education shall be located in regular public schools rather than separate facilities, unless such location is shown to be not feasible and is approved by the Bureau of Transitional Bilingual Education.

3. Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in Transitional Bilingual Education for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. A child of limited English-speaking ability enrolled in a program in Transitional Bilingual Education may, at the discretion of the school committee and subject to the approval of the child's parent or legal guardian, be continued in that program for a period longer than three years.

4. Transitional Bilingual Education programs shall be designed and conducted so that students enrolled in such programs can achieve skills in aural comprehension, speaking, reading and writing of English sufficient to perform ordinary classwork in English within the three-year transitional period.

5. Except for multi-grade level classes (classes in which more than one grade level is/are included), the maximum student-teacher ratio shall be 18:1, except that the student-teacher ratio may be 25:1, where a native speaking teacher's aide is assigned to a Transitional Bilingual Education class or a non-native teacher's aide is assigned to a Transitional Bilingual Education class taught by a native speaker of the primary language of the children enrolled in the Transitional Bilingual Education program. In multi-grade level classes, as defined supra, the ratio shall be 15:1 without said aide and 20:1 with said aide, respectively.

6. It is highly recommended that native-speaking teacher aides be utilized in conjunction with Transitional Bilingual Education programs. Teacher aides should possess a speaking ability in the primary language of the children enrolled in the Transitional Bilingual Education program to which they are assigned. Wherever possible, it is recommended that such teacher aides be paid out of Chapter 1 funds, federal Education consolidation and Improvement Act.

7. The age spread in any Transitional Bilingual Education class shall be no more than 4 years from the oldest to the youngest child, except that the age spread in any Transitional Bilingual Education kindergarten class shall be no more than one year from the oldest to the youngest child.

8. The regulations shall be interpreted as encouraging experimentation or innovation in teaching Transitional Bilingual Education classes, including the use of such teaching techniques and devices as open classrooms, team teaching, etc. Programs in Transitional Bilingual Education need not duplicate courses of instruction in English and the native language. Ideas have no language.

9. Children enrolled in programs in Transitional Bilingual Education shall be taught the history and culture of their own background and the history and culture of the United States and to draw upon and balance both. Instruction in history and culture shall not stress memorization but knowledge which will encourage a student to keep and respect his own heritage and draw upon and understand the American way of life.

10. Children of limited English-speaking ability shall receive full regular program credit for all year completed and courses taken in programs for Transitional Bilingual Education. Children of limited English-speaking ability who move from programs in Transitional Bilingual Education of one school or school
district to the Transitional Bilingual Education program of another school or school district shall do so without loss of grade.

11. It is highly recommended that school districts utilize full or part-time native-speaking community coordinators who shall act as liaisons between the school district and the parents of children of limited English-speaking ability and visit the homes of the children in order to exchange information about the Transition Bilingual Education program.

12. It is highly recommended that school districts utilize full or part-time native-speaking guidance or pupil adjustment counselors in Transitional Bilingual Education programs.

13. School districts participating in Transitional Bilingual Education programs shall take measures to assure adequate administration of the programs. A school district administering a Transitional Bilingual Education program for 200 or more children shall appoint a local project director, supervisor, or teacher in charge for its Transitional Bilingual Education program. The local project director, supervisor, or teacher in charge shall be qualified to teach in a Transitional Bilingual Education program and shall exercise supervisory responsibility over the district's Transitional Bilingual Education program.

14. School districts participating in Transitional Bilingual Education programs shall designate a committee of three or more members, including one or more representatives each from the school administration, Transitional Bilingual Education Program, and Parent Advisory Committee, who shall be responsible for conducting an annual review of the district's Transitional Bilingual Education programs and reporting its conclusions to the Bureau of Transition Bilingual Education and the school committee. Such committee shall insure the district's awareness of regulations, guidelines, and communications between the Department of Education and the local districts.

15. School districts shall send progress reports to parents of children enrolled in Transitional Bilingual Education programs in the same manner and frequency as progress reports sent to parent of other children enrolled in the school district. Such progress reports shall be written in English and the native language of the parents of children enrolled in the program.

16. Children enrolled in Transitional Bilingual Education programs shall have full access to special and other educational services available to other children in local school districts.

14.06 Preschool and Summer Programs

1. Preschool or summer school Transitional Bilingual Education programs shall comply with the statutory definition of Transitional Bilingual Education, except that such preschool or summer Transitional Bilingual Education programs may be full or part time.

2. A school district may provide a kindergarten program in Transitional Bilingual Education, and the extra costs of such programs shall be reimbursable expenditures under Section 7 of the Act. One year of a Kindergarten program in Transitional Bilingual Education may be counted toward the three year Transitional Bilingual Education programs required or permitted under the Act. School districts are highly encouraged to provide kindergarten programs in Transitional Bilingual Education.

14.07 Parent Participation

1. For the 1973-1974 school year and thereafter, each school district operating a Transitional Bilingual Education program shall establish a Parent Advisory Committee (PAC) on Transitional Bilingual Education. The Parent Advisory Committee shall be comprised of parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs. The Parent Advisory Committee shall have at least five (5) members including one or more representatives from every language group in which Transitional Bilingual Education is conducted in the district. Members of the Parent Advisory Committee shall be selected in a manner which fairly represents the views of parents of children in Transitional Bilingual Education programs.

2. The Parent Advisory Committee shall meet regularly with school officials and at least once annually with the school committee to participate in the planning, development and evaluation of the district's Transitional Bilingual Education program. Members of the PAC shall have access to Transitional Bilingual Education program records.

3. The Parent Advisory Committee may appoint subcommittees (sub-PACs) for different language groups and/or schools participating in the district's Transitional Bilingual Education program.

4. After the 1972-1973 school year, no plan shall be approved under this Act which has not been submitted in advance to the chairman and each member of the Parent Advisory Committee.

5. Parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs who are members of Title I Parent Advisory Committees shall be eligible to participate on Parent Advisory Committees established under the Act and regulations.

14.08 English-Speaking Children

Transitional Bilingual Education programs may include children of English-speaking ability subject to the notification and withdrawal provisions of Section 3 of the Act.

14.09 Joint Programs

School districts establishing joint programs under Section 4 of the Act may establish such financial arrangements as they see fit, including tuition arrangements, and shall work out equitable reimbursement arrangements with the Bureau of Transitional Bilingual Education and the Department of Education according to guidelines promulgated by the Department of Education.

14.10 Notice and Withdrawal

1. No later than ten days after the enrollment of any child in a program in Transitional Bilingual Education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in Transitional Bilingual Education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit Transitional Bilingual Education classes in which their child is enrolled and to come to the school for a conference to explain the nature of Transitional Bilingual Education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in Transitional Bilingual Education in the manner as hereinafter provided. The notice shall be in writing in English and in the language of which the child of the parents so notified possess a primary speaking ability.

2. It is recommended that notice of enrollment in Transitional Bilingual Education programs be sent to the parents as soon as practicable preferably in the weeks preceding opening of school.

3. Parent shall have an absolute right to withdraw their children from Transitional Bilingual Education programs unconditionally at any time up to one month from the date they receive notice of enrollment. Thereafter, they may exercise their right to withdrawal only at the end of beginning of a semester, or with permission of a teacher of Transitional Bilingual Education qualified under Section 6 of the Act and the regulations.

4. Parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs shall have access to their children's individual school records and shall have the right to visit Transitional Bilingual Education classes in which their children are enrolled. Parents shall also have the right to request and receive a conference with a Transitional Bilingual Education teacher qualified under Section 6 of the Act and the regulations, relating to the nature and purposes of the Transitional Bilingual Education program, and their children's progress in school.

14.11 Plans

1. For the 1972-1973 school year, school district participating in the Transitional Bilingual Education programs shall submit such letters of intent and plans as may reasonably be required by the Bureau of Transitional Bilingual Education to determine whether the school district is in compliance with the Act and the regulations. For the 1973-1974 school year and thereafter, school districts shall submit letters of intent and plans in accordance with 603 CMR 14.11(2) through 14.11(8).

2. For the 1982-1983 school year and every three years thereafter, school districts shall submit letters of intent for programs in Transitional Bilingual Education to the Bureau of Transitional Bilingual Education by December 1st of the school year preceding the implementation of a program in Transitional Bilingual Education. Such letter of intent shall contain a short narrative description of the proposed Transitional Bilingual Education program. The Bureau of Transitional Bilingual Education shall provide the school districts a response in writing by February 1st of the school year preceding the implementation of a program in Transitional Bilingual Education.

3. For the 1982-1983 school year and every three years thereafter, school districts shall submit written plans for programs in Transitional Bilingual Education to the Bureau of Transitional Bilingual Education by March 31st of the school year preceding the implementation of a program in Transitional Bilingual Education. By March 31st of each such school year school districts with existing Transitional Bilingual Education programs shall up-date those plans with current enrollment data and with any proposed modifications in the program plans previously approved by the Bureau. School districts initiating a Transitional Bilingual Education program shall submit a written plan to the Bureau of Transitional Bilingual Education for its approval prior to implementating such a plan.

    (a) Upon the request to the Bureau of Transitional Bilingual Education by the parents of twenty or more children of limited English-speaking ability in any one language group within a school district, the Department of Education may require such letter of intent or written plan more frequently than once every three years.

4. Plans shall set forth steps taken towards a census of children of limited English-speaking ability resident in the school district.

5. Plans shall describe the ways and means by which a Transitional Bilingual Education program will teach the history and culture of the native land of children of limited English-speaking ability resident in the school district.

6. Allowance shall be made for school districts adopting an 18 month budget for purposes of conversion to a school accounting system by fiscal year.

7. No program in Transitional Bilingual Education shall be eligible for reimbursement which has not submitted a plan approved by the Bureau of Transitional Bilingual Education. The Bureau shall process and approve such plans or recommend changes in such plans by May 15th of the school year preceding the implementation of a program in Transitional Bilingual Education.

8. Plans submitted for approval of Transitional Bilingual Education programs shall contain Transitional Bilingual Education program projections for the following two school years. Such projections shall be regularly updated for submission with plans for following school years.

14.12 Board of Education

The Board of Education may upon petition of a school committee waive any of the provisions of these regulations as to any particular district for such time as may to the Board seem reasonable to avoid undue hardship to such district.

REGULATORY AUTHORITY

603 CMR 14.00: M.G.L.c.71A,s.9

Guidelines for Parental Involvement in Bilingual Programs

INTRODUCTION

The guidelines contained herein were developed by the Bureau of Transitional Bilingual Education in cooperation with members of local parent advisory councils and school officials charged with the implementation of Chapter 71A, of the General Laws, Acts of 1971, Transitional Bilingual Education.

These guidelines describe the rationale for parental involvement, the specific steps to be taken in organizing parent advisory councils, and the roles and responsibilities of these councils.

The guidelines contained herein, dated February 1, 1976, replace any and all parent advisory council guidelines previously issued by the State Bureau of Transitional Bilingual Education.

A. RATIONALE

It is a fundamental right of parents in a democratic society to participate in the educational process of their children.

The involvement of parents and community members provides support for the implementation of educational programs.

When administrators, teachers, parents, and community members participate on an equal footing, working cooperatively, communication is improved and a better educational program is thus obtained.

Parents and community members willingly participate in the educational process when they become aware of the educational needs of their children, and are able to contribute to this process.

Research and the experience of those involved in school-community activities indicates that parental involvement produces positive effects.

Chapter 71A, the Transitional Bilingual Education Act, mandates the participation of parents of children of limited English-speaking ability in the planning, development and evaluation of Transitional Bilingual Education programs.

All local education agencies required to provide transitional bilingual education programs shall provide for parental involvement under 603CMR 14.07 pursuant to Mass. G.L.c.71A, Transitional Bilingual Education. The text of these regulations is cited on pages 20, 21.

C. GUIDELINES: Parent Advisory Councils in Transitional Bilingual Education Programs

1. General Requirement

1.1 Formation and Maintenance of Parent Advisory Councils

Local educational agencies required to offer programs in Transitional Bilingual Education pursuant to the provisions of Chapter 71A, of the General Laws, Acts of 1971, Transitional Bilingual Education, shall ensure in accordance with said provisions, the formation and maintenance of a parent advisory council (PAC) for parents of children of limited English-speaking ability enrolled in Transitional Bilingual Education programs for each such language group so enrolled.

2. Membership

2.1 Obtaining membership in a PAC

To obtain membership in a PAC one shall be duly elected by the membership, except that in the initial developmental stage an ad hoc committee may be established to organize the PAC in which case two thirds of the ad hoc committee shall be parents of children enrolled in a transitional bilingual program.

2.2 Members Other Than Parents

Individuals other than parents of children enrolled in a transitional bilingual education program such as community representatives, community advocates, students and representatives of non-secular organizations may become members of a PAC.

2.3 Maximum Membership of Non-Parents

PAC members other than parents of children enrolled in a transitional bilingual education program shall constitute a maximum of one third of the total of the duly elected PAC membership.

2.4 Limitations on Membership Turnover

To insure PAC continuity there shall be no more than a fifty percent turnover in a given election.

2.5 Other Participants

Other interested parties, viz, teachers, administrators, community leaders, advocates, students and others may participate in PAC meetings upon the invitation of the PAC. Policies for said participation shall be determined and defined by the local PAC and those policies shall not be in conflict with the mandates and guidelines of Chapter 71A, of the General Laws, Acts of 1971, Transitional Bilingual Education.

2.6 Parent Membership

Any parent of a child enrolled in a transitional bilingual education program shall be eligible to become a member of a parent advisory council.

3. Voting

3.1 Voting Rights of Parents

Any parent of a child enrolled in transitional bilingual education programs shall have the right to vote at any PAC meeting.

3.2 Voting Rights of Duly Elected Non-Parent Members

All duly elected members who are non-parents of children enrolled in transitional bilingual education programs shall have the right to vote at every PAC meeting.

3.3 Duly Constituted Voting Quorum

A voting quorum is one in which two thirds of those casting votes shall be parents of children enrolled in a transitional bilingual education program. Individuals legally employed by the local school district should not be included in the constitution of a voting quorum.

3.4 Passing Resolutions and Election of Members and Officers

To pass a resolution and to duly elect members and officers, a majority vote of a duly constituted voting quorum is required.

4. Officers

4.1 Election of Officers

PAC officers shall be elected by a duly constituted voting quorum.

4.2 Tenure of Officers

PAC officers should serve for a one-year term with the exception of the first year of the PAC's operation.

4.2.1. In the case of a PAC operating in its first year fifty percent of the officers shall serve for a two-year term.

5. Role of the Local School District

5.1 Obligation to Support and Sustain a PAC

Transitional Bilingual Education regulations make it clear that local education agencies have an obligation to support and sustain their parent councils for transitional bilingual education purposes. In general, this means a local education agency must actively include parent council members in the planning, development and evaluation of transitional bilingual education programs, provide the PAC with the information it needs to function effectively, and to develop a procedure for handling the concerns of parents.

5.2 Plan to Implement Parental Involvement

The local education agency shall submit to the State Bureau of Transitional Bilingual Education a plan to implement the parent involvement provision of the Transitional Bilingual Education mandate. This plan shall constitute that portion of the local program plan narrative under related services parent participation (Section III.B)

5.2.1 Specification of Roles and Responsibilities

The plan shall clearly specify the roles and responsibilities of the local education agency and of the parent advisory council.

5.2.2 Fiscal Support

The plan shall include evidence of fiscal support for the PAC for necessary support activities. Some of these are cited under 5.3 below.

5.2.3 Working Guidelines

The plan shall include guidelines established in agreement both with the PAC and the local school agency as to what each can expect from the other and how they will work together.

5.2.4 Communication Flow

The plan shall specify the establishment of a system of logging communication to ensure both the flow of information and access to records including student records, in accordance with other pertinent regulations.

5.3 Provision of Means to Participate in Planning, Development and Evaluation

The local education agency shall provide the PAC with the necessary means to participate in the planning, development and evaluation of the local transitional bilingual education program. In addition to other activities the following activities shall constitute part of the said necessary means.

5.3.1 PAC Funds

The local education agency shall provide funds for PAC related activities including funds for transportation and lodging to attend local, regional or national meetings of a relevant nature.*

5.3.2 PAC Training

The local education agency shall develop and maintain training programs for the PAC membership.

* Expenditures for these activities and other PAC related activities such as expenditures for the translation of documents are allowed under the provisions of the Transitional Bilingual Education Act, as ammended by 603 CMR, 10.15,6.

6. Role of the PAC in Program Planning, Development and Evaluation

6.1 Advisory Capacity

The parent advisory council shall serve as an advisory body to the local education agency in the planning, development and evaluation of a transitional bilingual education program as required by Chapter 71A, of the General Laws.

Cited below are a number of additional specific ways in which this mandate should be implemented jointly by the local school agency officials and the parent advisory council.

6.2 Planning and Development Meetings for Transitional Bilingual Education Letter of Intent

During the months of September, October and November planning and development meetings shall be conducted to plan and develop the transitional bilingual education letter of intent for the next school year including any summer programs planned to precede said next school year.

6.2.1 Submission of Letter of Intent to the Master PAC

A completed version of the letter of intent shall be submitted to a Master PAC meeting scheduled for the explicit purpose of discussing said letter of intent and said meeting shall take place at least 30 days prior to November 1.

6.2.2 Submission of Letter of Intent to the Local School Committee

The local school district's letter of intent jointly developed by input from officials of the local school agency and advice from the PAC shall be submitted to the local school committee at least 30 days prior to December 1, to ensure ample opportunity for additional parental council advice, if needed, before official submission of the document to the State Bureau of Transitional Bilingual Education.

6.2.3 Submission of Letter of Intent to the State

The local school district's letter of intent shall be submitted to the State Bureau of Transition Bilingual Education on or before December 1.

6.3 Planning and Development Meetings for Transitional Bilingual Education Plans

During the months of January, February and March planning and development meetings shall be conducted to plan and develop the transitional bilingual education program plan for the next school year including any summer programs planned to precede said next school year.

6.3.1 Submission of Program Plans to the Master PAC

A completed version of the transitional bilingual education program plan shall be submitted to a Master PAC meeting scheduled for the explicit purpose of discussing said program plan and said meeting shall take place by January 31.

6.3.2 Submission of the Program Plans to the State

The local school district's program plan shall be submitted to the State Bureau of Transitional Bilingual Education on or before March 31.

6.4 PAC Participation in On-Going Program Development

PAC members shall have the right to participate in the following activities:

6.4.1 To visit transitional bilingual education classes.

6.4.2 To provide assistance to the local school agency for special activities such as needs assessment.

6.4.3 To visit other transitional bilingual education programs in the state.

6.4.4 To attend workshops, conferences and meeting relevant to PAC matters.

6.4.5 To promote new educational services needed in the community.

6.4.6 To gather and disseminate information and to cooperate with other agencies in this effort.

6.4.7 To conduct workshops to promote cultural awareness among citizens, school personnel and others.

6.4.8 To participate in the interviewing process for the hiring of personnel designated to work in a transitional bilingual education program.

6.5 PAC participation in Program Evaluation

In principle transitional bilingual education program evaluation should be conducted cooperatively by the local school agency and the local PAC.

6.5.1 Annual Review of the Local Transitional Bilingual Education Program

Pursuant to REGULATION 603 C.M.R. 14.05, 14, the PAC shall be represented on the committee designated to conduct the annual review of the local education agency's transitional bilingual education program.

6.5.2 Program Reviews and Evaluations by Other Agencies

The PAC shall be represented in any local transitional bilingual education program review or evaluation conducted by the State, the local school district itself or other agencies.

6.5.2.1 Observations and recommendations made by the PAC representatives shall be given due consideration.

6.6 Evaluation of the Parent Advisory Council

The operation and activities of the PAC itself shall be evaluated after its first full year of operation and periodically thereafter.

6.6.1 The evaluation of the PAC should involve both school officials and PAC members.

7. Designation and Functions of a PAC Coordinator

7.1 Designation of a PAC Coordinator

The local school committee shall designate a PAC coordinator(s) to ensure the development of parental involvement through the establishment of local PACs to include PACs for each linguistic group represented in the local transitional bilingual education program. Note that expenditures for this activity are reimbursable.

7.2 Functions of a PAC Coordinator

The PAC coordinator shall serve as a liaison between the local school agency and the PAC and shall engage in the following activities.

7.2.1 Initiates meetings until a PAC is organized and in this effort informs parents of their rights and responsibilities under Chapter 71A, of the General Laws, Acts of 1971, Transitional Bilingual Education.

7.2.2 Takes measures to ensure adequate attendance of PAC members.

7.2.3 Contacts personally each PAC member at least one week prior to the date of scheduled meetings.

7.2.3.1 School districts may upon approval of the state use a different approach if deemed more effective.

7.2.3.2 Keeps active records of all PAC meetings.

7.2.4 Ensures that all PAC members receive the minutes of the preceding meeting as well as the agenda for the next meeting prior to the next assembly.

7.2.5 Maintains a list of names, addresses and telephone numbers of all the members of the PAC.

7.2.6 Develops and maintains an information, training and technical assistance program for the PAC members.

7.2.7 Completes all tasks related to the development and maintenance of the PAC.

7.2.8 Organizes all PAC activities in cooperation with the head of the transitional bilingual education program, bilingual teachers, community based teacher-aides and community agencies.

7.2.9 Through contacts with the parents, identifies and collects lists of names containing potential PAC members.

7.2.10 Conducts workshops relevant to community involvement to encourage membership and to sustain parental involvement.

7.2.11 In the initial developmental stages of organizing a PAC, calls preliminary meeting(s) to create a PAC and takes necessary measures to solicit attendance of potential members.

7.2.12 Informs participants during the course of organizational meeting(s) of the rules and regulations governing transitional bilingual education programs.

7.2.13 Takes measures to ensure the election of pro-tem officers to provide leadership during the initial development stage of organizing a PAC.

7.2.14 Takes measures to ensure that each school in the local school district is represented in a PAC.

8. Types of PACs

Obligation to Form Multilingual and Unilingual Master PACs

Wherever appropriate as in a multi-language transitional bilingual education program or a large one language transitional bilingual education program the local school agency shall take measure to form a multilingual or unilingual Master PAC and sufficient multilingual or unilingual Sub-PACs to ensure adequate school district-wide representation of parents from linguistic groups of children enrolled in local transitional bilingual education programs.

8.1 Master PAC

In a multilingual or extensive unilingual transitional bilingual education program representation shall be ensured for each Sub-PAC in a system-wide Master PAC.

8.2 Sub-PAC

8.2.1 A Sub-PAC shall be either multilingual or unilingual depending on the language composition of the school district.

8.2.2 Whenever there are parents from more than one language group in a local school district whose children are enrolled in a transitional bilingual education program then distinct linguistic Sub-PACs for each language group shall be formed.

8.2.3 A Sub-PAC shall consist of a minimum of five parents of children enrolled in a transitional bilingual education program.

9. Organization of a PAC

9.1 Need for Structure

The local parent advisory council is a self-determining organization and like any other formally constituted group must have an organizational structure.

9.2 Structure of a PAC

While many types or organizational structures exist, the council may choose to consider the following as a minimum plan:

Chairman
Assistant or co-chairman
Recording secretary
Committee chairmen in such areas as:
- Training
- Parental involvement activities
- Data collection
- Evaluation

Parliamentarian

9.3 Rules of Order

After members have agreed on some type of structure, they should consider the formulation of by-laws, the tenure and replacement of members, attendance requirements, and the frequency and length of meetings. "Robert's Rules of Order" may serve as a useful resource document in determining the rules and procedures of the council. Rules of order must comply with the statutory requirements of Chapter 71A, of the General Laws, Acts of 1971, Transitional Bilingual Education.

9.4 Meetings Schedule

Once a PAC is formed, the PAC chairman in cooperation with the PAC coordinator shall call for frequent meetings with school officials to discuss various aspects of the local transitional bilingual education program including the maintenance of the PAC through training and support activities.

GUIDELINES AND PROGRAM MODELS IN THE EDUCATION OF LANGUAGE MINORITY STUDENTS IN MASSACHUSETTS

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PART ONE: GUIDELINES

Introduction

The need for extraordinary school programming to cope with the changing demographics in Massachusetts schools has long been recognized. Massachusetts General Law Chapter 71A, Transitional Bilingual Education, passed in 1971, was a response to this need. At that time, the General Court, in a declaration of policy, said that it found "there are large numbers of children in the commonwealth who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language."

In the twenty years that have gone by since the above statement was made, the situation has become more pronounced and the need more pressing. Massachusetts school systems have experienced significant growth in language minority student populations.

In addition to the increase in numbers, the range of student academic backgrounds and experience has become ever more varied. Local school districts find themselves constantly challenged to provide appropriate educational services. These varied services must address issues of equal access to the educational system, equity in educational opportunity, and learning English as a new language to insure full participation in the educational and non-educational communities.

Research has advanced understanding of language and language learning, of the language requirements for effective schooling, and of teaching and learning across cultural boundaries. Views have broadened as well on effective program designs for the education of language minority students and a number of different models have been implemented from which the field has benefited.

It has been nearly twenty years since the Department of Education has issued guidelines concerning bilingual programs. Time has demonstrated a need to enhance those previous guidelines. Research and experience have shown that some practices, such as ability grouping or tracking, are not beneficial to students and may not be considered pedagogically sound. (References to informative research material are included in the Appendix.)

This handbook on guidelines and program models represents an attempt to do several things:

a. to update previous guidelines to correspond to current research and experience;

b. to document program models which have been and are now being implemented in Massachusetts; and

c. to provide a more concrete set of principles for school districts to use in adapting models to their own systems or in developing their own within the framework of the Transitional Bilingual Education law.

The Department of Education, in collaboration with experienced bilingual educators, has developed and described a range of models of programs for local implementation designed to meet the needs of students whose first language is other than English. These guidelines and models supersede previous guidelines on implementation of a full time program in transitional bilingual education.

Principles for Design and Application for Alternate Models

Preface:

Every child is unique. No model or prototype will automatically be a perfect fit when someone tries to apply it to a specific school population. The purpose in elaborating on guidelines for bilingual programs is not to be prescriptive about what will or won't work for any given school system. Their purpose, rather, is to provide a conceptual framework within which school systems can come to grips effectively with the challenges afforded them by the increasing influx of students whose first language is another than English.

The program models allow school districts to consider a range of options to best educate language minority students. It must be acknowledged, too, that the models in this handbook are not the only possible models available to schools systems. The program models described here are those which have been used most frequently to good effect over the past twenty years of development in bilingual education, both in Massachusetts and in other states.

Models will be chosen by school districts based on numbers of students in given language groups, the academic levels of those students, and the wishes of the parents for the education of their children. Legal requirements for bilingual education under Massachusetts General Laws, Chapter 71A, remain, and the concern should be both complying with the letter of the law and in developing sound education programs.

School districts may adapt any of the program models to their needs. Models may be combined. The end result, though, should always be educational equity for the students involved, regardless of what language they speak.

Designing Alternate Models:

The occasion will arise when a school district may wish to implement a program which is not clearly classifiable under one of the model programs described in this handbook. The option for alternate program design will be available to these school districts.

It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services **prior** to program implementation. School districts may not implement a program and then apply for approval of that program.

In proposing a design for a program not described in this handbook, a school system must be guided by the following principles:

1. The mandates of Chapter 71A, Transitional Bilingual Education, and its pursuant regulations must be demonstrably adhered to. Program elements cannot be contradictory to the law.

2. Program design, including curriculum and proposed pedagogy and staffing, must be based on educationally sound principles, with emphasis on successful student outcomes.

3. Accountability for program performance must be clearly spelled out. The process of ongoing program evaluation must be a part of this accountability.

4. The participation of parents in the process of the education of their children, from beginning to end, must be strongly indicated.

5. Programs must show clear commitment to valuing diversity and to promoting language minority populations as resources which benefit the entire school system.

6. Program designs must be spelled out in detail and be submitted for approval by February of the school year prior to the proposed implementation. The Department of Education, through the Bureau of Equity and Language Services, will collaborate with school systems as necessary in the development of alternate models.

The process of proposing alternate program models to those described in this handbook is provided to allow for maximum flexibility for school systems in determining how best to implement the statutory requirements which mandate supplementary language instruction or bilingual education for children whose first language is other than English.

The Program Model Prototypes

Although it is sometimes claimed that there is only one model for transitional bilingual education, this is not and never has been the case. Since the inception of mandated bilingual education programs in Massachusetts, a variety of approaches have been used in many different school districts.

These guidelines document models which have been more frequently and successfully used in school districts statewide.

There have been a number of specific guiding principles in the consideration and selection of these models. The following principles must be adhered to in developing a program:

1. The model must clearly fall within the framework of Chapter 71A, Transitional Bilingual Education.

2. The structure of the program is detailed.

3. The model addresses varying approaches in dealing with a wide range of students.

It should be noted that implementation of these guidelines in any given school district still requires the prior approval of the Department of Education through the Bureau of Equity and Language Services.

This handbook details six prototypes. These are:

a. Transitional Bilingual Education: the general model

   - addresses elements which can be found in virtually all program models, such as use of native language, and gradual transition to English. This, in effect, is the overarching model, the umbrella model.

b. Two-Way Bilingual Program

   promotes bilingualism in both monolingual English speaking students and students whose first language is other than English.

c. Accelerated Basic Skills Program

- uses intensive multilingual curriculum and methodology to bring pre-literate or semi-literate students up to grade level for their age.

d. Advanced Basic Skills Program - High School

- gives an example of a program targeted to older students who lack academic background, who are three to five years behind their age peers.

e. Integrative Bilingual Education Program

- incorporates strong school-wide collaboration to insure valuing the resource represented by bilingual students and integration of monolingual and bilingual students beyond the requirements of the law.

f. Maintenance Program

- provides students whose first language is other than English with continued development and enrichment in their native language throughout their school experience.

Each program model prototype provides an outline for structure and implementation of programs for students whose first language is other than English. Each program model prototype minimally contains the following basic elements:

1. cost considerations: what does the school system require in terms of personnel, space, materials, consultant fees, etc.?

2. program description: what kind of student population will this program serve and what is the nature of the program?

3. program objectives: how are the students served and what are the specific educational goals and outcomes within the program?

4. program sequence: what are the steps in planning, setting up and implementing the program?

5. staff training or competencies: what competencies are required for teachers, paraprofessionals and administrators who will implement the program?

6. parental involvement: how will parents be involved and trained?

7. evaluation requirements: how will ongoing evaluation of the proper implementation of the program be insured, focusing on students' academic and linguistic development?

The Department of Education will assist school districts in identifying the most appropriate approaches in the education of language minority students to be implemented locally. The Department will monitor and assist school districts' use of these various alternative models for bilingual education to insure that students are receiving equitable education.

It must be recognized that the role of these guidelines is to assist school districts in the conception, organization and implementation of educational programs to serve students whose first language is other than English.

These models illustrate ways to provide educational and language services which will serve the equally important functions of insuring equal access to the educational system for students whose first language is other than English and of enabling these students to become proficient in the English language to the point that they are able to function effectively in an all-English classroom setting.

The above two important points are identified in Title VII of the Federal Education Act (Bilingual Education).

Chapter 71A of the General Laws of Massachusetts (Transitional Bilingual Education) recognizes these goals but goes beyond the federal government's requirements and specifies that transitional programs in bilingual education must have a native language literacy component, i.e. that the reading and writing of the native language must be taught. Additionally, the history and culture of the students' native country, territory or geographic area must also be taught.

In addition, there are a number of issues which must always be kept in mind whenever trying to apply any model to a given community of students.

Education for language minority students must not be equated with only learning English. While this is an important component, students are also expected to achieve a *high level of literacy* as well as a *high level of conceptual skills in all subject areas.*

These program model are not definitive or prescriptive in the sense that any one model can be used without variation. Models may be combined and adapted. The models represented in this handbook should also not be considered the only educationally sound models.

Children with prior academic background must be taught differently than children with no prior academic background. While this may seem obvious, the programmatic challenges presented by groups of students of mixed academic backgrounds are many and varied.

All models must include integration of children receiving supplementary language support. The models will not support the isolation of these children.

Programs for pre-school, kindergarten and elementary students must be more developmental, emphasizing cognitive development and acquisition of first language skills and transfer of these skills into English.

Programs for older students, such as those in high school, must be very goal oriented, application of educational practice to real-life goals and problems. Classroom materials and work must be realistic and relevant. Learning strategies must be taught as part of language and content acquisition.

Elements of Bilingual Program Structure

Specific elements are generally shared by all bilingual programs mandated under Chapter 71A, Transitional Bilingual Education. These elements, listed below, are drawn from the law and should be reflected in every model of an educational program for students whose first language is other than English.

A program mandated under Chapter 71A shall:

1. be attended by children of limited English-speaking ability[3]

2. be a full time program of instruction which includes:

   a. all those courses or subjects required by law[4] **

   b. all those courses or subjects required by the child's school committee[5] **

   **These courses shall be given in the native language of children of limited English-speaking ability who are enrolled in the program, and also in English.[6]

3. address the following areas:

   a. the reading and writing of the native language of children of limited English-speaking ability[7]

   b. the oral comprehension, speaking, reading and writing of English

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[3] *except in a two way bilingual program which will, by nature, include non-native speakers of one or the other program languages. It must also be understood that limited English speaking ability is not a sole criterion for program eligibility. Literacy, or lack thereof, is also a determiner.*

[4] *U.S. history and civics, the constitution of the commonwealth of Massachusetts, local history and government, physical education (Massachusetts General Laws, Chapter 71, sections 2 and 3)*

[5] *see each individual Local Education Agency*

[6] *Instruction in courses of subjects which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries. (Massachusetts General Laws, Chapter 71A, Section 5)*

Children may not be denied equal access to the curriculum of a school based on limited English proficiency and regulations to this effect are liberally construed. (Massachusetts General Laws, Chapter 76, Section 5)

[7] *except where children of limited English-speaking ability are already literate in their native language, unless the program is a bilingual maintenance program*

c. the history and culture of the country, territory or geographical area which is the native land of the parents[8]

d. the history and culture of the United States

4. offer practical and meaningful opportunity to children of limited English speaking ability to participate in the extra-curricular activities of the school.

5. be located in the regular public schools.

6. place children in classes with other children of approximately the same age.

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[8]*This definition must include the concepts of materials and teaching strategies which are respectful and inclusive of the children's own experiences.*

Elements of Bilingual Program Pedagogical Structure

The Department of Education produced a publication called "Principles and Models for Language Development", presented to the Board of Education in October, 1988, printed by the New England Center for Equity Assistance.

This publication described a number of principles related to language learning, the education of language minority students, and education in general. These principles, based on practical experience and research, should form the philosophical underpinnings of approaches in teaching students whose first language is other than English.

The following is a capsule view of many of the important points raised in that publication and which should be considered important in designing and implementing sound educational programs.

A program mandated under Chapter 71A shall:

1. be student driven, recognizing the needs of individuals, groups, and communities in determining the options that should be made available in each community

2. support the following principles, that:

    a. language develops through practical use

    b. language practice must be functional and meaningful

    c. classroom organization must allow for interaction

    d. language learning is enhanced when the focus is on doing things with the language rather than on the language itself

    e. language input must be comprehensible to children whose first language is other than English

    f. language is learned best in an atmosphere of trust, acceptance, high expectations and support

    g. language skills of listening, speaking, reading, and writing strengthen and reinforce each other

h. both the culture of children's first language and that of the language being learned influence the progress of language development

i. sociocultural factors can influence language acquisition

j. proficiency in the native language facilitates development of a second language

k. language proficiency includes sociolinguistic competence as well as linguistic or grammatical competence.[9]

[9]*For further information and expansion on the points brought out in this section, please see* ***Principles and Models for Language Development****, published by the Massachusetts Department of Education.*

Competencies of Teachers of Students Whose First Language is Other Than English

The competencies required by any teacher, whether multilingual, bilingual or monolingual, go beyond simply the understanding of one's subject area or the ability to speak one language or another. An effect of the many years of research and experience has been to bring more clearly into focus that there are many factors which must be considered when teaching language minority students.

These competencies do not solely apply to bilingual teachers. As the number of children whose first language is other than English enter regular education classrooms, the need for monolingual teachers to be more aware of diversity and to adapt their teaching methods, materials, and styles becomes vital.

The competencies listed below[10] reflect not only those that will be expected of bilingual teachers but also those which will become more a part of monolingual teachers' training and certification process.

In addition to meeting the requirements for teacher certification for a specific subject area or level, a teacher competent in the education of language minority students:

1. demonstrates knowledge of cultures in contact that can lead to cultural isolation, racial hostility, and social isolation;

2. demonstrates knowledge of instructional and curricular techniques and programmatic strategies and models which promote the social and cultural value of students from diverse cultural, racial and linguistic backgrounds;

3. applies theories and knowledge of learning processes relating to first and second language acquisition;

4. demonstrates knowledge of the history and contributions of diverse ethnic and cultural groups in the United States;

5. understands his/her own ethnic, historical and cultural identity background;

6. demonstrates knowledge of curriculum, teaching strategies and organizational models for providing dual language instruction;

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[10] *Massachusetts Advisory Commission on Educational Personnel and Working Group on Culture and History Proficiency, approved June, 1991.*

7. understands similarities and differences among varieties of the language in which the candidate has demonstrated proficiency and between that language and English;

8. demonstrates knowledge of intercultural relations and communication to create a positive classroom environment for non-native speakers of English;

9. demonstrates knowledge of the concept of cultural identity and its influence on affective development;

10. develops and modifies curriculum, and designs and implements alternative instructional strategies appropriate for multicultural education.

11. designs and uses evaluative procedures appropriate to dual language/multicultural education;

12. understands the ways in which information is communicated formally and informally in diverse communities;

13. understands human growth and development across cultures, appropriate to the level of the certificate;

14. uses strategies and methods appropriate for teaching and developing literacy in the language in which the candidate has demonstrated proficiency.

PART TWO: PROGRAM MODELS

Transitional Bilingual Education: General Program Model[11]

This model includes features which will also be found in the other models which follow. In a real sense, this model is the umbrella model, the one which carries the overarching legal and pedagogical principles by which programs in the education of language minority students are designed.

Cost Considerations:

Bilingual and English as a Second Language teachers, aides, guidance counselors, parent coordinator, materials, Parent Advisory Committee support (financial, logistical); teachers are fluent and literate in both languages

Program Motivation:

Within the school system, not including children enrolled in existing private schools, there are twenty or more children of limited English-speaking ability within any language classification.

Program Description:

1. The initial language of instruction is the students' native language, with gradual progression over a number of years to English as the primary language of instruction. Literacy is also first developed in the students' native language.

2. The curriculum in bilingual programs parallels the regular curriculum of the school district.

3. Students are integrated for classes which are linguistically less demanding, such as art, music, and physical education.

4. Students are partially mainstreamed for academic subjects according to their English proficiency.

5. Students enrolled in transitional programs are either monolingual in a language other than English or have limited proficiency in English or have limited academic English language proficiency.

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[11] *It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

6. Students are identified and placed in programs and classes based on their proficiency in English and their current level of academic achievement.

Program Objectives:

1. Students will be better prepared linguistically, cognitively, and affectively for academic work in English within the mainstream educational program.

Program Sequence:

1. School district census determines how many students either entering or already in the school system have a home language other than English.

2. Students whose home language is other than English are tested to determine their level of proficiency in English (comprehension, speaking, reading and writing, as appropriate).

3. Students are assigned to classes based on their proficiency in English.

4. Students are exited/transitioned from bilingual programs when they meet or exceed district norms for English proficient students. The program needs to consider multiple criteria for transition, both objective and subjective, which will insure that the students will experience success in a monolingual English program.

5. Students who are transitioned from bilingual programs should have the linguistic and academic skills in English to enter standard heterogeneously grouped classrooms.

6. After transition, student progress must be monitored to insure successful participation in monolingual English classrooms.

Staff Competencies:

1. Staff in a transitional bilingual program should be certified according to the standards of the department.

Parent Involvement:

1. The school district establishes a Parent Advisory Committee, if none exists.

2. In the case of an existing Parent Advisory Committee, the school district insures that the Parent Advisory Committee has begun to meet and has a regular schedule of meetings.

3. The Parent Advisory Committee follows guidelines of the department in carrying out its functions.

4. The Parent Advisory Committee is comprised of parents of children of limited English-speaking ability enrolled in local bilingual education programs, and has at least five members, including one or more representatives from every language group in which bilingual education is conducted in the district.

5. Parents also have rights to place their children in or withdraw their children from bilingual programs.

Evaluation Requirement:

The Bureau of Equity and Language Services reviews and monitors transitional bilingual education programs for compliance with all pertinent laws and regulations. The bureau reviews and has approval over all plans for implementation of transitional bilingual education programs

Two-Way Bilingual Program[12]

A two-way program serves the needs of language minority students while at the same time allowing for development of a second language in monolingual English speaking students. Such a program recognizes that language minority students represent a genuine resource to the educational system and allows monolingual English speaking students full opportunity to share in that resource. Both language groups develop in their native languages as well as in a second language.

Cost Considerations:

Stipends for teachers, aides and other paraprofessionals; consultants; materials

Program Description:

A Two-Way Bilingual Program is designed to allow the development of bilingualism in two groups of students, native English speakers and the speakers of the other language in the program. In this program, native language skills of both groups are maintained and improved while the second language is being learned. The student population of the program is balanced, including approximately equal numbers of limited English proficient and English proficient students. The program is staffed by teachers, aides, and other paraprofessionals who proportionally represent both language groups. The program can be instituted at any grades, from kindergarten through high school.

All subject areas and classes offered at grade level in regular programs are also offered in the two-way program. Teacher collaboration is planned into the curriculum. The language proficiency and academic progress of students in the program is assessed in both formal and informal ways. These assessments include student interviews, parent input, teacher observations as well as standardized tests or portfolio assessments. Parents participate in the program both in terms of their involvement with their own children and as resources for the program in areas of their own experience. Communications with parents take place in the language most convenient for the parents.

On-going, coordinated inservice training is provided to all program staff regarding both curriculum development and teaching strategies. School staff not directly involved in the program are also informed about the two-way program as part of active efforts on the part of the school administration to insure two-way students are not isolated within the school.

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[12]*It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

Since two-way, developmental bilingual programs are, by definition, additive, students will study both language and content area material in their first and second language. Early childhood education guidelines relevant to mainstreamed special education students will be observed. At each grade level appropriate activities to promote cultural understanding will be included.

A two-way bilingual program can be implemented at any level in the educational process from K-12. The early years of language development (K-3), though, bring with them additional needs in basic personal development on the cognitive as well as linguistic levels. Many issues, such as self concept development and initial socialization, are addressed in ways that are assumed to have taken place already for older learners. As such, a two way early childhood program has more of a developmental focus than is called for in later programs.

Curriculum will be planned spanning all grade levels, so that each year's content is known well in advance and not redesigned yearly. A strong curriculum policy will be in effect which will provide for:

a. dual curriculum presentation (all subjects in both languages), or

b. sequential, rotating curriculum which alternates languages of instruction for a specific content area on a yearly basis for development of global vocabulary in both languages.

Students in two-way programs will be exposed to curriculum specific vocabulary which they will need in order to be successful learners in two languages. Students will maintain their first language while they develop proficiency in their second language.

Program Objectives:

1. to meet the educational needs of limited English proficient students in the least isolated setting possible.

   a. to increase opportunities for limited English proficient students to acquire English proficiency in a natural setting.

   b. to develop academic competence across the curriculum for all participating students.

   c. to increase opportunities for limited English proficient students to serve as linguistic role models thereby increasing their self esteem

2. to extend the benefits of bilingual education to English proficient students, including native English speakers, through the opportunity to learn or strengthen a second language.

a. to increase opportunities for fluent English proficient students to acquire a second language in a natural setting.

b. to develop academic competence across the curriculum for all participating students.

c. to have students gain a better appreciation of the difficulty of learning a second language.

3. to establish an instructional setting that recognizes and uses the cultural diversity of the school community.

a. to create a student-centered learning environment that reflects the needs of all students.

b. to offer a culturally relevant climate that promotes mutual respect and understanding and reciprocity of knowledge.

c. to change the delivery of the instruction to provide for greater student participation through the use of diverse strategies such as cooperative learning, thematic instruction and interdisciplinary teaching/learning.

4. to promote student integration and the program's commitment to multicultural education.

a. to integrate language minority limited English proficient students with native English speakers and fluent English proficient students in an academic setting.

b. to raise the prestige of the "minority" language through second language and content based instruction.

c. to add a cultural dimension to the study of all academic disciplines.

Program Sequence:

1. Planning based on curriculum choice, student selection, classroom assignments and organization.

2. Workshops for teachers and paraprofessionals on theory and methodology in first and second language acquisition, curriculum planning, assessment, and student placement.

3. Assessment of language proficiency and achievement in the content area in native and second language by both standardized and more holistic assessment methods.

4. Classes begin, orientation for all staff and parents on the goals and approaches of the two-way programs and the positive role of the program in the overall school organization.

5. Ongoing parent participation and cultural activities, including involvement of the Parent Advisory Committee as well as individual parents.

6. An evaluation component which has as its focus development activities to help parents become more involved in their children's education.

7. Planning for following year, enlisting continuing and new students for program and planning classes based on availability of student participation and parental support.

8. Multicultural festivals, field trips in the communities where the languages are spoken for better understanding of how people live and other activities to promote cross-cultural interaction.

9. Staff curriculum workshops on ongoing curriculum development and coordination between curriculum delivery between the two language classes.

10. Mid-year student assessments (because this is a developmental program, assessments include language, content and affective areas in the student's development).

Staff Training:

Staff training in the two-way program involves all personnel in the school. Program staff receive ongoing inservice training which emphasizes elements important to the successful implementation of the program: curriculum development, teaching strategies in a multi-language/multi-cultural classroom, teaching materials, the wide variety of means of assessment, formal and informal. Administrators and school personnel not directly involved in the program are oriented to the program and are made aware of the need for inclusiveness of the program in the school as a whole. Cross-cultural communication strategies for interacting with parents, teachers and children are a part of full staff training.

Parent Training:

Parents are involved from the very beginning in the two-way program. Two-way programs require the voluntary participation of both limited English proficient and English proficient students. Parents of students in the program are trained through the school on the goals and approaches of the program. English as a Second Language classes and native language classes are provided for parents of both groups of students. Active efforts are made to include the parents as resources in the curriculum and to allow them to participate in the classroom.

Evaluation Requirement:

The program is evaluated on an ongoing basis through assessment of students' performance, parental feedback through parent/teacher conferences, and ongoing consultations among teachers in the program. Yearly formal evaluations are carried out by a team composed of parent, teacher and administration representatives. The Department of Education, through the Bureau of Equity and Language Services, reviews and monitors the program for compliance with all pertinent laws and regulations and implementation of the approved program model.

Accelerated Basic Skills Program[13]

An accelerated basic skills program, like an advanced basic skills program, is targeted to students who are three to five years behind their age peers. The difference between the two types of programs is that the advanced program is aimed at older students, the accelerated program is aimed at younger students, basically from third through eighth grades. The program is intensive in all subject areas bringing the student up to grade level.

Cost Considerations:

teachers, materials

Program Description:

The Accelerated Basic Skills (ABS) model is designed to meet the need of students who are three to five years behind their age peers in academic achievement. Students will fall into the 3-8 grade range. The intent of the program is to provide, within the context of a regular school day, intensive training in identified subject areas, such as math and science, while providing for as much integration of students with their age peers as may be possible.

Students enter the program "ungraded" and remain so until they achieve an academic level generally on a par with their age peers. Students may exit the program at any time, based on their progress. Students may remain partially in the program based on more rapid progress in some areas than in others.

The program is intensive. As such, it requires teachers who are prepared to teach intensively through an accelerated learning resource classroom.

Program Objectives:

The ABS program is designed to:

1. provide students with the opportunity to progress in academic subjects as quickly as possible to the level of their age peers.

2. give students the opportunity to attend classes with their age peers when those classes are not dependent on prior academic achievement (for example, but not limited to, art, music and physical education).

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[13] *It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

3. provide for content-based language development in the student's strongest language with the goal of providing content in English.

Program Sequence:

1. Resource room(s) to establish an accelerated learning environment are designated in school(s) and are equipped. Staffing is planned based on anticipated needs.

2. Eligible students are identified. Students are assessed to determine the level of academic need which will be addressed through the resource rooms.

3. Individual Accelerated Learning Plans are written for each student, addressing each area for academic and language development.

4. Students attend classes, part of the day in the intensive resource room, part of the day with the main group of their age peers.

5. On-going student evaluation for progress through both formal and informal assessments, student interview and parental feedback.

6. Mainstreaming based on successful student outcomes on both the academic and language levels as determined through ongoing evaluation or planning for following years based on projected student participation in the program.

Staff Training:

Specially qualified instructional staff, oriented to the goals and approaches of the program and prepared to teach subject matter intensively, participate in on-going in-service training.

Parental Involvement:

1. Parents are involved in the identification of students eligible for the program.

2. Parents are involved in the development of each student's Individual Accelerated Learning Plan.

3. Parents are trained and counselled to support their child in the program.

4. Parents are involved in student's exit from program and evaluation.

Evaluation Requirement:

The evaluation component is decided among the school district, individual schools and the parents of students involved in the program. Participants are pre/post-tested. Exit from the program is determined by post-tests, teacher and parent interviews and child interviews. It is expected that some students will be mainstreamed during their first year of participation based on how far behind academically they are when compared to their age peers. Options in moving from an ungraded to a graded environment can include "folio" procedures in the assessment of student progress.

The Department of Education, through the Bureau of Equity and Language Services, reviews and monitors the program for compliance with all pertinent laws and regulations and implementation of the approved program model.

An Advanced Basic Skills Program - High School[14]

An Advanced Basic Skills program will be targeted to older students, primarily high school age, who are three to five years behind their age peers. Such a program may have many kinds of components, but the general program is designed with the knowledge that the students will be out of the school system soon and must be prepared to function economically and socially in a very short space of time. The language of program instruction must be determined by the linguistic and academic needs of each student. Study of culture must be included.

Cost Considerations:

teachers, materials (within school budget, not in addition)

Program Description:

The Advanced Basic Skills (ABS) model is designed to meet the needs of students who are three to five years behind their age peers in academic achievement, and who may have had limited formal schooling. The model has the traditional school day redesigned to permit students to receive intensive academic instruction and vocational education on a reduced school day basis while receiving employment/job search training and participating in employment (work related activities).

Students in the program are considered "ungraded" to allow them to enter the program and exit, at some future date, fully prepared to function on an appropriate age/grade level.

The program is designed to assist students in developing an understanding of the relationship between continuing academic growth, employment and long-range quality life style; to assist students in insuring that they will graduate; and to assist students in understanding and appreciating the important role they play in their community.

Program Objectives:

This ABS program is designed to:

1. provide students with the opportunity to amass all the academic credits necessary for graduation;

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[14]*It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

2. provide students with the opportunity to continue developing language and academic skills through intensive programmed course work that builds on their lived experiences and integrates their current needs and realities.

3. provide students with the opportunity to learn about and participate in:
   - resume writing
   - the job interview process
   - the job application process
   - writing job reports
   - obtain/retain a job with a minimum number of hrs/week
   - develop vocational skills

4. provide opportunities for students to participate in appropriate school activities which will allow them to feel a part of the school community.

5. provide an environment which will reduce fragmentation by calling upon school resources, such as Chapter I services, Vocational Education services, and Special Education services, to support the students' educational needs.

Program Sequence:

1. program arrangements made among an employment/training agency, vocational schools, and the school district

2. eligible students identified through established initial intake procedure

3. Individual Learning Plan written for each student which identifies academic and social goals for the student's program

4. first and second language teachers collaboratively plan a well-organized, thematic course of study

5. on-going student support from the school system, from the parents, and from the employment/training agency

6. program evaluation through ongoing assessment of student's performance both in the academic setting and in the work place

7. planning for following year based on projected enrollment in the program

Staff Training:

Specially qualified instructional staff, trained in meeting both the academic and social/economic goals of the program, participate in on-going in-service training.
Collaboration between bilingual and regular program teachers is integral to the program. This collaboration must be developed and together the staff organizes the thematic approaches to instruction.

Parental Involvement:

1. Project is planned and implemented with the involvement of the Parent Advisory Committee.

2. Parents are involved in the I.D., placement and transfer of students.

3. Parents are involved in the development of each individual's Individual Learning Plan.

4. Parents are educated about the purposes and means of this Advanced Basic Skills program.

5. Since some students may be over 18, all parent involvement as detailed above may not necessarily be applicable.

Evaluation Requirement:

The evaluation component is decided between the school system and the employment/training agency. Participants will be evaluation through both standardized and more holistic assessment methods. It is expected that there will be a decline in the school dropout rate, as well as academic gains made by participating students.

The Department of Education, through the Bureau of Equity and Language Services, reviews and monitors the program for compliance with all pertinent laws and regulations and implementation of the approved program model.

Integrative Bilingual Education Program[15]

This type of program is useful for school districts which want to go beyond the mandated requirements for bilingual education in order to introduce more integrative practices and positive involvement of all school staff in the education of language minority students. This program provides for districts to introduce integrative practices in addition to the state mandates and regulations for programs. The program allows for more opportunities for positive integration in an environment which gives equal access to education for all students, where all can learn together, insuring that students learn at a high level of accomplishment.

Cost Considerations:

Release time or stipends for teachers and aides; consultants; conference fees; teacher and aide salaries

Program Description:

The integrative program addresses the isolation that language minority students and teachers who are in bilingual education programs frequently face. School is restructured, allowing for increased interaction and integration among limited English proficient and English proficient students. Monolingual teachers are trained in specific issues which impact their interactions with language minority students. These issues include aspects of first and second language acquisition, cross-cultural communication, and teaching strategies for the multicultural classroom. Limited English proficient students are integrated into the regular curriculum classes based on individual academic and language development when they will permit successful student outcomes. The integrative model is designed so that:

1. bilingual and regular education personnel staffing and curriculum sequence must be parallel, allowing limited English proficient students to transfer into all English classes when successful student outcomes can be expected;

2. scheduling and location of bilingual classes and regular classes are compatible allowing opportunities for integrative activities;

3. teachers in both the bilingual and regular programs collaborate on curriculum planning and work together to support each other in providing services to language minority students;

4. bilingual students, teachers and parents are not isolated within the school but are perceived not only as a part but as a valued resource to the school community;

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[15] *It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

5. the monolingual English teacher uses appropriate instructional strategies for the multicultural classroom which build on the strengths of language minority students and uphold high expectation levels for their academic achievement;

6. the monolingual English teacher incorporates students' culture, accepts the use of their native language in the classroom, and seeks help from bilingual teachers and/or fully bilingual students when there is a break in communication;

7. bilingual teachers teach bilingually, and not in English only, during integrated activities which include English speakers.

Program Objectives:

1. to provide bilingual students with the opportunity to develop full academic proficiency in their first and second languages in a supportive environment.

2. to restructure the school to allow increased interaction and integration among limited English proficient and English proficient students.

3. to insure active collaboration between bilingual and monolingual English teachers in both curriculum and teaching.

4. to use and respect language minority students for the language and cultural resources and diversity that they bring to the school.

5. to train the monolingual English teacher to be aware of the educational issues and needs which affect language minority students and to use appropriate instructional strategies for the multicultural classroom.

6. to teach other students in the school to respect the language and culture of minority students.

Program Sequence:

1. The following steps should take place at the district and building levels in the process of implementing this program:

    a. study and observe similar programs currently being implemented in Massachusetts or in other states;

    b. involve school staff at every level in the planning and preparation for implementation of the program;

c. plan and organize how the school will carry out teacher training, parent involvement and training, curriculum design, teaching approaches, and other elements of the program implementation.

d. train teachers and administrators in the issues which will be faced in the implementation of the program, including curriculum and teaching strategies, and classroom and school management with a multilingual/ multicultural student body.

e. inform all school staff and parents about the program, how it will be implemented and the supportive roles they will be asked to play.

f. develop a master schedule for the school, providing for parallel scheduling of bilingual and all English content classes to allow for increased interaction and integration of limited English proficient and English proficient students.

g. Classes are held and plans carried out as proposed.

Staff Training:

The goals of the ongoing training for both bilingual and monolingual English teachers center around insuring that all teachers understand and vary their teaching strategies in ways which appropriately address the educational needs of limited English proficient students. These issues include aspects of first and second language acquisition, cross-cultural communication, and teaching strategies for the multicultural classroom. Monolingual English teacher learn to build on the strengths of language minority students and uphold high expectation levels for their academic achievement. Administrators must be aware of cross cultural issues which affect students and their parents in the educational process.

Parent Training:

In addition to following the statutory and regulatory requirements for parental involvement, the school district and school makes active efforts to include parents of limited English proficient students in both the education of their own children and in the development and implementation of educational programs in the school.

Evaluation Requirements:

Program evaluation occurs both on an ongoing basis, via assessments of student performance and conferences among teachers and administrators, and on an annual and semi-annual basis through the mandated mechanisms for program evaluation by teams of designated evaluators representing teachers, administrators and parents.

The Department of Education, through the Bureau of Equity and Language Services, reviews and monitors the program for compliance with all pertinent laws and regulations and implementation of the approved program model.

Maintenance Bilingual Program[16]

Maintenance Bilingual Programs provide a school environment where children whose first language is other than English may continue to learn in their native language even after they have achieved sufficient English proficiency to function effectively in all-English classrooms. Such programs may also be included as part of two-way bilingual programs for older children and may be used to benefit monolingual English-speaking students in the development of second language skills.

Cost Considerations:

teachers, curricular materials available in the appropriate language(s)

Program Description:

Classes in Maintenance Programs are organized so that participating children receive part of their content area education in both languages, their native language and English. This program, as in other bilingual programs, provides for integration of language minority students with monolingual English-speaking students. Classes are expected to have a multicultural perspective and to use effectively curricular materials in the non-English language.

Program Objectives:

1. To provide students whose first language is other than English with the opportunity to maintain their first language and progress in that language in a relevant and realistic school setting.

2. To provide students whose first language is other than English with the continuing opportunity to improve and progress both academically and in the reading, writing, speaking and understanding of English.

3. To promote positive self-concept and value the linguistic resources which these students bring to the schools, while maintaining academic standards.

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[16] *It must be noted that any program to educate language minority students must be approved by the Department of Education through its Bureau of Equity and Language Services* **prior** *to program implementation. School districts may not implement a program and then apply for approval of that program.*

Program Sequence:

1. Curriculum for students whose first language is other than English should be arallel to the regular curriculum. Curriculum planning and anticipated class scheduling should be undertaken before June, to allow for staff development over the summer.

2. Eligible students are identified by the beginning of the school year. Parental support for bilingual maintenance is a key element in implementation of such a program.

3. Classes are conducted which focus on comprehensible language input in the context of a multicultural curriculum.

4. Program evaluation occurs near the end of the school year and includes both formal and informal assessment, student interview and parental feedback.

5. Strong family involvement and support is a key to the initiation and success of this program. Parents are involved in an ongoing manner through school/home communication, parent/teacher conferences, parent participation in program planning and curriculum choice, and parent participation in annual program evaluations.

6. Plans are made for continuation of the program during subsequent year based on student availability for participation in the program and parental support.

Staff Training:

Teachers staffing the program will be bilingual. In-service training opportunities for staff should address the unique character of maintenance programs that require the refinement of complex language skills, critical thinking and literacy enhancement. Staff in the program, in collaboration with administration, can make efforts to educate all personnel to the benefit of such programs and the resource they represent.

Parental Involvement:

1. The program is planned and implemented with the involvement of the Parent Advisory Committee.

2. Parental support for maintenance bilingual programs is a key element in their success. There must be sufficient numbers of parents in support in order for the program to be initiated and maintained.

3. Bilingual parents of children in the program should participate actively in general parental activities connected to the schools, giving monolingual parents the opportunity to learn the value of multilingualism/multiculturalism.

4. Parents should participate in conducting ethnographic studies and activities to enhance the multilingual/multicultural curriculum.

Evaluation Requirement:

Ongoing evaluation should take place to ensure that the curriculum is multicultural in perspective and not merely language tokenism. Content areas taught in the native language must be evaluated by similar means as if they were taught in English. The program must bear responsibility for educational outcomes in participating students, including academic achievement and integration as well as development of language skills in both languages.

The Department of Education, through the Bureau of Equity and Language Services, reviews and monitors the program for compliance with all pertinent laws and regulations and implementation of the approved program model.

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CHAPTER 622 OF THE ACTS OF 1971

An Act to Prohibit Discrimination in Public Schools

Chapter 622 of the Acts of 1971 is now codified in the Massachusetts General Laws as Chapter 76, Section 5, and Chapter 76, Section 16. These sections state:

Chapter 76, Section 5 (as amended)

Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin.

Chapter 76, Section 16

The parent, guardian or custodian of a child refused admission to or excluded from the public schools or from the advantages, privileges and courses of study of such public schools shall on application be furnished by the school committee with a written statement of the reasons therefor, and thereafter, if the refusal to admit or exclusion was unlawful, such child may recover from the town in tort, and may examine any member of the committee or any other officer of the town, upon interrogatories.

Chapter 76, section 5 Regulations Pertaining to Access to Equal Educational Opportunity were adopted by the Massachusetts Board of Education on June 24, 1975 and became effective on September 1, 1975, presently codified as 603 C.M.R., 26.00. (See pages 74-82)

603 CMR 26:00 ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

SECTION

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26.01 Purpose and Construction of These Regulations

1 These regulations are promulgated to insure the right of access to the public schools of the Commonwealth and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion or national origin. These regulations shall be liberally construed for these purposes.

2 The obligation to comply with these regulations is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion or national origin.

26.02 School Admissions

1 All public schools in the commonwealth shall admit students without regard to race, color, sex, religion or national origin. This includes, but is not limited to regional vocational-technical schools, elementary, secondary, trade and selective academic high schools.

2 No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion or national origin. Written materials used by a school to recruit students shall not contain references suggesting the predominant sex of the students presently enrolled or the anticipated sex of the students to be recruited. Pictorial representation, in the aggregate, in such material shall depict students of both sexes and of minority groups. References to only one sex in the name of schools, programs or activities shall not be retained.

3 The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extra-curricular activities.

4 Any standards used as part of the admissions process, including but not limited to testing, the use of recommendations and interviewing, to any public school (as referred to in 1) shall not discriminate on the basis or race, color, sex, religion or national origin. Limited English-speaking ability (as defined by Chapter 71A of the General Laws) shall not be used as a deterrent to or limitation on admissions.

5 If admission to any school, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools is dependent upon the participation in or completion of courses or programs which were previously limited to students of one sex or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any racial, ethnic or religious group of students to participate in such programs, then such criteria must be abolished.

6 Nothing in these regulations shall be construed so as to control the interpretation of or interfere with the implementation of Chapter 641 of the Acts of 1965, as amended by Chapter 636 of the Acts of 1974, providing for the elimination of racial imbalance in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

26.03 Admission to Courses of Study

1 Each and every course of study offered by a public school shall be open and available to students regardless of race, color, sex, religion or national origin. Nothing herein shall be construed to prohibit the use of prerequisite requirements that have been demonstrated to be essential to success in a given program. However, if participation in a course or program is dependent upon completion of a prerequisite which was previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any class of students to participate in such prerequisites, then all members of the previously excluded group shall be given the opportunity to acquire the prerequisites or be allowed to enter the program without such prerequisites. If it cannot be shown that a prerequisite is essential for success in a given program, the prerequisite shall be abolished.

2 The determination of what courses or units of study are to be required of any student shall also be made without regard to the race, color, sex, national origin or religion of that student.

3 The scheduling of students into courses or units of study shall not be done on the basis of sex, color, race, religion or national origin.

4 Each student, regardless of race, color, sex, national origin, religion or limited English-speaking ability, shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he or she resides, along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs.

5 Nothing in 603 CMR 26.03 shall be construed to prevent particular segments of a program of instruction from being offered separately to each sex when necessary in order to respect personal privacy.

26.04 Guidance

1 Guidance counsellors and other personnel shall represent to the students a broad spectrum of education and career opportunities. Race, color, sex, national origin and religion shall not be considered as limiting factors in career determination.

2 "Career Day" programs and other occupational information shall include representatives of both sexes and of minority group members in a broad variety of occupational roles. Schools shall not permit materials, including pictorial representations, to be used to recruit students for employment, including training, that contain a preference for individuals of a particular race, color, sex, religion or national origin. Any pictorial representation in such materials, in the aggregate, shall depict members of both sexes and of minority groups.

3 No materials or tests shall be employed for guidance purposes which discriminate and/or limit choices on the basis of race, color, sex, religion or national origin.

26.05 Curricula

1 The curricula of all public school systems shall present in fair perspective the culture, history, activities and contributions of persons and groups of different races, nationalities, sexes and colors.

2 All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping. Appropriate activities, discussions and/or supplementary materials shall be used to counteract the stereotypes depicted in such materials.

3 School books, instructional and educational materials purchased after the date of these regulations shall, in the aggregate, include characterizations and situations which depict individuals of both sexes and of minority groups in a broad variety of positive roles.

4 Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex, nor designed to have an adverse impact on members of either sex.

26.06 Extra-curricular Activities

1 Advantages and privileges of public schools include all extra-curricular activities made available, sponsored or supervised by any public school. No school shall sponsor or participate in the organization of outside extra-curricular activities conducted at such school which restrict student participation on the basis of race, color, sex, religion or national origin. This regulation does not prohibit school committees from allowing use of school premises by independent groups with restrictive membership.

2 No student shall be denied the opportunity in any implied or explicit manner to participate in any extra-curricular activity because of the race, color, sex, religion or national origin of the student except as provided in section 603 CMR 26.06, section 7.

3 Each school system shall provide a fair distribution of athletic expenditures. Each school within such system shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports. Factors considered in determining equal opportunity shall include budgetary allocations, the proportion of male and female students in the student body, the number and nature of activities offered, levels of competition, equipment (including rate of replacement), supplies, awards, uniforms, facilities, scheduling of games and practice times, travel opportunities and allowances, opportunities to receive equitable coaching and instruction at each level of competition and the availability of services such as medical and insurance coverage, publicity, clerical and administrative staff, scouting services and audio-visual aids.

4 In developing its athletic program, a school shall be required to demonstrate good faith by taking into account determined student interest.

5 In order to insure fair distribution of athletic expenditures as defined in section 4, each school shall indicate in the budget that is reviewed by the school committee the anticipated expenditure for each interscholastic and intramural athletic activity and the anticipated student participation in that activity by number and sex.

6 A school may establish separate teams for males and females for interscholastic and intramural competition in a particular sport, provided that the requirements of section 8 are satisfied.

7 Teams comprised primarily or solely of persons of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment and opportunities to practice and compete as teams engaged in a similar activity comprised primarily or solely of persons of the opposite sex.

8 Participation in extra-curricular activities shall be actively encouraged by each school for both boys and girls and for racial and ethnic minorities. When offering extra-curricular programs, school shall take into consideration the ethnic traditions of the student body. Criteria not related to skill levels which act to exclude members of one sex or any racial, religious or ethnic group represented in the school from participation in specific athletic or other extra-curricular activities cannot be permitted.

26.07 Facilities

1 Every new school which is to be constructed and every addition to an existing school or program for modernization of an existing school shall be designed or planned so as to ensure that the educational opportunities to be offered within that school following its construction or expansion or reconstruction will be available equally to all students thereof without regard to the race, color, sex, religion or national origin or any such student.

2 The goal of each school shall be to provide equal numbers of males and females with those facilities and conveniences within a school which are separated for reasons of privacy, e.g., showers, locker rooms, changing rooms, toilets and lavatories. Any school to be constructed shall make such provision and any plan for the expansion or modernization of an existing school shall include whatever provision is necessary in order to achieve compliance with this section.

26..08 Active Efforts

1 The school committee of each school district shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to insure that all obstacles to equal access to school programs for all persons regardless of race, sex, color, national origin, religion or limited English-speaking ability, no matter how subtle or unintended, are removed. Such policies shall include a requirement for an annual evaluation of all aspects of the K-12 school program to insure that all students regardless of race, color, sex, religion or national origin are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered by the school including athletics and other extra-curricular activities. Special attention shall be given in this examination to schools and programs in which students of either sex or of racial or national origin groups present in the community are markedly under-represented.

2 If participation in any school sponsored program or activity has previously been limited to students based on race, color, sex, national origin or religion, then the school committee shall make active efforts to insure that equal access to all school sponsored programs or activities be provided within the system.

3 If shall be the responsibility of the school committee and the superintendent to provide necessary information and in-service training for all school personnel in order to:

advance means of achieving educational goals in a manner free from discrimination on account of race, color, sex, religion or national origin.

enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior which may occur in the public schools.

4 The superintendent, as an agent of the school committee, shall promote and direct effective procedures for the full implementation of these regulations, and shall make recommendations to the committee for the necessary policies, program changes and budget resource allocations needed to achieve adherence to these regulations.

5 At the beginning of the school year, the superintendent of each school system shall be responsible for sending to the parents of all school age children, in their primary language, a notice of the existence of Chapter 622 and its implications. Such notice shall include the information that all courses of study, extra-curricular activities, and services offered by the school are available without regard to race, color, sex, religion or national origin. This notice may be included with other communications sent to parents by the school system. Upon request, the Department of Education shall provide a translation in requested languages to assist superintendents in complying with this section. The superintendent shall inform the community of the existence of the law and of its implications through newspaper releases or radio or television announcements.

6 The superintendent shall ensure that all students are annually informed in a manner certain to reach them of the existence of Chapter 622 and its implications. Students shall be informed that all courses of study, extra-curricular activities; services and facilities offered by the school are available without regard to race, color, sex, religion or national origin.

7 The superintendent of each school system shall make certain that employers who recruit new employees in and through the schools of that district, do not discriminate on account of race, color, sex, religion or national origin in their hiring and recruitment practices within the schools. Before any employer is allowed to recruit at or through any school, the employer shall be required to sign a statement that she/she does not discriminate in hiring or employment practices on account of race, color, sex, religion or national origin.

8 Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy making committees, to the extent consistent with their contractual obligations, without regard to race, color, sex, religion or national origin.

9 Adults serving on athletic regulatory boards shall fairly represent the interest of both male and female students.

10 Because selective secondary schools have had a typical student bodies in the past such selective secondary schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school. After the period for application to the school has closed, if it is found that qualified applicants of one of the above classes have not applied in numbers sufficient to maintain this proportion, qualified students of the other categories may be selected to fill the remaining openings.

11 Any contributions to a school for activities and monetary awards within or sponsored by the school of for scholarships administered by the school made after the effective date of these regulations by any person, group or organization shall be free from any restrictions based upon race, color, sex, religion or national origin.

12 The opportunity to receive guidance and counselling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

26.09 Complaint Procedure

1 A parent, guardian or other person or group who believes that c.76, s.5 of the General Laws or these regulations has been or is being violated, may request a written statement of the reasons therefor from the responsible school committee through the superintendent and may submit a copy of such request to the Bureau of Equal Educational Opportunity of the Department of Education. If such request is made, a copy of such request shall be sent by the school committee to the Bureau of Equal Educational Opportunity.[17]

2 The school committee shall respond promptly, but no later than 30 days, in writing to the complaining party. The school committee shall also send a copy of its response to the Bureau of Equal Educational Opportunity.[18]

3 The Bureau of Equal Educational Opportunity shall act as the representative of the Board of Education for the purpose of receiving complaints pursuant to these regulations.[19]

4 The Bureau of Equal Educational Opportunity shall, pursuant to a complaint received under section 1 or on its own initiative, conduct reviews to insure compliance with c.76, s.5 and these regulations. The school committee and the specific school(s) involved shall cooperate to the fullest extent with such review.[20]

5 In the event of non-compliance with Chapter 76, s.5 or these regulations, the Board of Education may take such action as it sees fit, including, but not limited to, withholding of funds or referral of the matter to the Office of the Attorney General for appropriate legal action.

26.10 Private Right of Enforcement

1 Nothing in these regulations shall abridge or in any way limit the right of a parent, guardian or person affected to seek enforcement of Chapter 622 of the Acts of 1971 in any court or administrative agency of competent jurisdiction.

REGULATORY AUTHORITY
603 CMR 26.00: M.G.L. C.76, Section 5, 16

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[17] *Complaints may also be referred to the Department of Education, Bureau of Equity and Language Services for action. The Department of Education has adopted a comprehensive complaint management system since the promulgation of these regulations.*

[18] *Same as footnote 15.*

[19] *The Bureau of Equity and Language Services will act as the representative of the Board of Education in matters related to the education of language minority students.*

[20] *The Bureau of Equity and Language Services, pursuant to a complaint received under section 603 CMR 26.09, 1 or on its own initiative, conducts reviews to insure compliance with c.76, s.5 and these regulations.*

Appropriate Educational Programs

for

LOW INCIDENCE,
Limited English Proficient Students

In recent years, Massachusetts school districts have enrolled an increasing number of students who speak little or no English. Many of these students are refugee children from Southeast Asia, Russia, Czechoslovakia, and Poland. Usually the numbers of enrolling students are below twenty and do not trigger the Massachusetts mandate for a Transitional Bilingual Education program. Consequently, many school districts have found it difficult to identify and implement appropriate and effective educational programs for this low incidence, limited English proficient population.

These new American students are entitled to equal access to the American educational system. Educational services should provide English language communication features, learning skills, and subject content to prepare the limited English proficient student for academic achievement in all-English instruction in the standard curriculum classroom. Inadequate language and skill development instruction as well as premature exiting from specially designed programs result in academic failure for those students not quite ready for English-only content work in a majority of cases.

The attached document is intended to provide assistance to Massachusetts school districts in designing and providing effective instructional programs to low incidence, limited English proficient students. First, it defines the legal obligations of the school district to this special population. The remainder of the document offers guidelines for fulfilling these obligations with appropriate language and learning skill development programs.

If a school district wishes further information or technical assistance concerning instructional placement and program design for limited English proficient students, interested parties should contact the Department of Education, Bureau of Equity and Language Services.

INTRODUCTION

These guidelines outlines acceptable procedures for identifying and placing "low incidence" limited English proficient students in appropriate instructional programs.

"Low incidence" refers to limited English proficient students who number less than twenty students in a given language classification in a school district, but who, under Chapter 622, 603 C.M.R. 26.03,4, of the Massachusetts Equal Education Opportunity Law of 1971, are entitled to "equal rights of access to the courses of study and other opportunities available through the school system of the city or town in which he or she resides -- along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs." The United States Congress addressed the subject of discrimination against language minority students in the Equal Education Act of 1974, 20 U.S.C. 1703 (F):

> No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex or national origin, by ... (f) the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs.

Congress acted to ensure that all public schools would comply with this act, not just those receiving federal funds. This statute recognizes the state's role in assuring equal educational opportunity for national origin minority students. The statute also stresses that the failure of an educational agency to rectify appropriately a limited English proficient student's English competencies is a denial of equal educational opportunity.

To be consistent with current educational nomenclature, this document will refer to such students as Limited English Proficient (LEP) students. This terminology recognizes that some students may have learned a degree of English reading and writing abilities but remain limited in understanding and speaking English. Also, this nomenclature is mindful that Limited English Proficient students need more than just aural-oral abilities to achieve in English language standard curriculum instruction.

The guidelines which follow are consistent with federal and state mandates, decisions of the United States Supreme Court and significant lower court decisions, Memoranda from the United States Department of Education and the Office of Civil Right, Washington, D.C., as well as a review of the theoretical and empirical research literature in the fields of second language acquisition, bilingual, and English as a second language education.

LEGAL REQUIREMENTS

A. School systems must identify all students whose primary language is other than English, who have or may have difficulty performing ordinary classwork in English, and who can not learn or achieve on parity with their English dominant peers. Such Limited English Proficient students must be placed in a specifically designed language support program. (M.G.L. Chap. 71A, 603 CMR, 14.03.3, 14.03.7, 14.03.8)

B. Any specially designed support or instructional program shall be consistent with all federal acts and mandates, related federal regulations and court cases as well as Massachusetts State acts, mandates, and policies, which relate to the education of limited English and National Origin minority students. This instructional program should be based on second language acquisition pedagogy and sound educational practices for meeting the individual needs of limited English proficient students. The burden of proof is upon the district that the instructional program designed for a Limited English Proficient student has clearly developed English language skills of comprehension, speaking, reading and writing necessary for learning and achieving in English-only instruction at a level substantially equivalent to pupils whose primary language is English (Castaneda v. Pickard, 648 F2d 989-5th Circuit-1981)

C. A school system shall keep adequate records of the educational level and progress of each child enrolled in transitional bilingual education program (M.G.L. Chap. 71A, Sec. 5). A formal policy statement and description of procedures for identifying, language level classifying, instructional placement, reclassifying and/or mainstreaming Limited English Proficient students should be available to appropriate staff members and parents/guardians.

D. The identification, evaluation of language proficiency, and instructional placement of Limited English Proficient students must be conducted by a certified and qualified bilingual or English as a second language teacher, or by a certified counselor trained in the language and pedagogical procedures of bilingual education. (M.G.L. Chap. 71A, 603 CMR 14.03.7)

E. School system which provide English language development programs to Limited English Proficient students should reclassify students from LEP to fluent English proficient (FEP) by specific multi-criteria reclassification procedures. (Rios v. Read, 1976; Cintron v. Brentwood, 1977; Office of Civil Rights, 1975; U.S. DHEW 1979/80, Castameda V. Pickard, 1981; Keyes v. School District No. 1, 1983; Plyler v. Doe, 1982; Office of Civil Rights, 1991 - update on enforcement policy for language minority students)

I. Procedures for Identification and Language Proficiency Classification of Limited English Proficient Students

A. To facilitate the identification and acceptable program placement of limited English proficient students, the district should identify a suitable person or Language Assessment Committee to coordinate and oversee the educational program of LEP students enrolled in the school system. The person(s) will

1. conduct identification and language classification assessment activities;

2. assure appropriate program and instructional placement of student(s) classified as limited English proficient;

3. meet periodically with relevant bilingual, English as a second language, and standard curriculum staff to determine if the student(s) is ready for partial or full-time mainstreaming;

4. develop and implement appropriate procedures for language proficiency reclassification of bilingual students;

5. monitor the follow-up activities for partial and fully mainstreamed students;

6. make recommendations for instructional or other services for partially and fully mainstreamed students;

7. develop a process for informing relevant bilingual, English as a second language or standard curriculum staff of LEP student progress;

8. establish a record keeping system for recording assessment results, instructional placement, reclassification procedures, and follow-up monitoring activities.

B. Identifying Newly Registering LEP Students

1. Identify primary/home language of the student(s) with a home language survey at the time of registration.

2. Interview the students and/or parent(s) or legal guardian(s) in the primary/home language to determine grade level and academic experiences, native language learning experiences the student has had, as well as standard health information.

3. Review by Language Assessment Committee all available educational documents or credentials. Relate this data to available English language descriptions of foreign educational procedures.

4. Determine English language proficiency using acceptable procedures and instruments, administered by qualified certified bilingual or English as a second language instructor.[21]

   a. for kindergarten and primary level students: assess student's listening and speaking competency, and English language readiness skills;

   b. for grade 3 through 12: assess student's aural-oral skills, and reading and writing abilities.

C. Identifying Currently Enrolled LEP Students

1. Implement a standard curriculum classroom survey to identify

   a. students who are not functioning on grade level;

   b. who have a primary/home language other than English;

   c. whose lack of academic achievement is due to limited English language proficiency.

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[21] *Certification requirements for such teachers are found on pages 4, 8, 49, and 50 in this handbook and are available separately on request from the Department of Education, Bureau of Teacher Certification.*

2. Determine English language proficiency using acceptable procedures and instruments, administered by a qualified and certified bilingual or English as a second language instructor. Assessment instruments and procedures should evaluate English listening/understanding, speaking, reading and writing abilities. Student achievement should be comparable to English-language of the same age and grade level.

II. Instructional Placement for Students Identified as Limited English Proficient

A. Based upon the language and educational data collected by the

1. Home Language Survey or Standard Classroom Survey,

2. Native Language Interview,

3. Review of Available Documents or Credentials, and

4. English Language Proficiency Assessment Activities

the limited English proficient student shall be placed in one of the types of instructional programs outlined below.

B. A limited English proficient student will be placed in

1. the appropriate grade or level of instruction in a full-time Transitional Bilingual Education program (Program A) or

2. a native language supported English language development program (Program B).

C. Appropriate and acceptable program components for a full-time Transitional Bilingual Education (TBE) program are described in M.G.L. Chap. 71A, Transitional Bilingual Education. This Act contains three essential educational principles: (1) the best medium of instruction for the limited English proficient students is, initially, the student's native language; (2) the educational program shall aim to develop full English proficiency of limited English proficient

students through a dual medium of instruction; (3) in order to foster the full development of the limited English proficient student, the educational program must include participation in all school activities that do not require extensive verbal ability. Chapter 71A mandates transitional bilingual education in all Massachusetts districts that include more than twenty limited English proficient students of the same language group. State reimbursement is provided for students in approved transitional bilingual education programs.

More detailed component descriptions can be found in the Guidelines and Program Models in the Education of Language Minority Students in Massachusetts which is included in this compilation and which is also available separately.

D. Appropriate and acceptable program components for a native language supported English language development program are described in Section IV of this document.

III. Appropriate Procedures for Reclassification and Transfer of Limited English Proficient Students

A. Districts must establish criteria for reclassifying a student's language proficiency before transferring the student to another instructional program.

1. Determine multiple criteria which a LEP student would need to meet if he/she is to be reclassified as Fluent English Proficient (FEP). Criteria should be determined for fluent proficiency in English language skills of comprehension, speaking, reading and writing.[22]

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[22] *Acceptable instruments for determining fluent proficiency in English language skills have been chosen by the Department of Education. These instruments are required, as a matter of policy, to be used by school districts. For information on the currently specified assessment instruments, contact the Department of Education, Bureau of Equity and Language Services.*

2. Districts are urged to supplement language assessment activities with additional data on student achievement and other relevant factors for ensuring LEP students are prepared to receive instruction only in English.[23]

B. A district should adopt specific multi-criteria reclassification procedures consisting of

1. Teacher evaluation: relevant instructional staff would evaluate a student's general language proficiency by observing the student's oral performance in several formal and informal settings, and completing an observation-matrix profile.

2. Objective Evaluation of a Student's Mastery of English as a Second Language Skill Objectives:
an ESL instructor would administer a criterion-referenced test for evaluating mastery of ESL features and skills.

3. Objective Assessment of Oral Language Proficiency: in an appropriate and valid English proficiency instrument(s), the student must at least meet the publisher's specified English speaking fluency score.

4. Objective Assessment of English Language Arts Abilities: including the four skills areas of listening, speaking, reading and writing, the student must demonstrate parity with their English peers at the same age and grade level.[24]

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[23] *A low level of English proficiency is not the only cause of under achievement among LEP students. Other variables affect a student's success: lack of equal access to special and tutorial services, institutional barriers, school social climate, perceived academic status, lowered socio-economic goals and previous academic experiences. Consequently, districts should consider the long term effects of the instructional program provided LEP students, and the extent to which academic achievement is sustained after reclassification to fluent English proficient takes place.*

[24] *The aim of this testing is to determine if the LEP student is able to learn with the English language in all-English instruction of the content areas in the standard curriculum.*

If norm-referenced tests are used, LEP student's performance is compared with national non-LEP norms, with a cut-off score of not less than the 36th percentile. If standard criterion-referenced tests are used, test items should represent language arts skills in which English fluent students of the same age and grade are expected to be proficient. Cut-off scores should be relatively equivalent to the average performance of English dominant students of the same age and grade.

C. After implementing reclassification procedures, the Language Assessment Committee would determine a new part or full-time instructional placement for each student. Replacement options would be

1. The student remains in the native language support or bilingual instruction program with instructional stress on the English language communication and learning skills which the assessment activities determined were missing in the student's English.

2. Placement in a standard curriculum classroom or program commensurate with the student's chronological age and grade level with daily or frequent English language support services, e.g., reading and writing instruction, content area tutoring, or advanced communication competencies instruction.

D. Within two weeks of a new instructional placement a district should follow up and review a reclassified student's academic achievement and psycho-social adjustment (M.G.L. Chap. 71A, Sec.2). The aim of this follow-up review would be to ascertain if the reclassified student is able to academically compete with English language peers in all-English instruction. Another aim is to determine if the student is adjusting socially and psychologically to the new instructional placement.

E. The local educational agency should establish procedures for periodically monitoring the newly-classified fluent English proficient student for at least three (3) years after reclassification and mainstreaming. The objective of this monitoring process is to objectively prove that the non-English language background student is adjusting to the new instructional setting and functioning substantially equivalent to non-minority students in English-only instruction. Thus, the school district must insure that they continue to address the linguistic, academic and psychosocial needs of non-English language background students.

F. The district or language assessment committee will notify the parent(s) or guardian(s) of the student of the re-classification and new instructional placement.

1. Written notification should be in the primary language of the parent.

2. Notification to the parent(s) should include information of the legal requirement that parent(s) consent to the reclassification of their child before the child is removed from a TBE program.

IV. Program B: Native Language Support Program

The native-language support program, appropriate for "low incidence" limited English proficient students, is an instructional program which stresses the development of English communication, language arts and thinking skills necessary for successful achievement in English-only instructional situations. It is a form of the "immersion" model of instruction which uses the student's native or primary language for developing and refining basic communication, language arts and thinking abilities which become the linguistic and cognitive foundation for doing so in English. The native language is also used during this time span for developing a positive sense of self-worth and for psycho-social counseling or guidance.

Such a program must be recognized as a language development program, not as a compensatory or remedial program.

Kindergarten Program Features

1. The student receives daily native language instruction in basic language and learning readiness, mathematics readiness, and general communication competencies parallel to the LEP student's English peers. Such instruction continues until objective assessment proves the student is capable of learning in the English language classroom on parity with his or her English peers.

2. Periodically the target student receives native language counseling to aid the student in adjusting to American educational and social processes; in adjusting to the differences and conflicts between the student's culture and the culture of the United States. Related learning problems would be assessed with appropriate instruments and procedures by the native language counselor.

3. The LEP student receives fifteen to twenty minutes of English language development daily. This instruction stresses the development of aural-oral competencies as well as readiness (thinking/learning) abilities necessary for learning on parity with English speaking peers in standard curriculum instruction.

4. The LEP student participates in all activities which do not require English language proficiency.

5. Periodically but regularly, LEP and English fluent students jointly participate in multicultural instructional activities which promote multicultural understanding and knowledge. This would include integration into language or content area instruction units or lessons about diverse cultures which are represented in our society with an emphasis on those national origin backgrounds of the English dominant and limited English proficient students enrolled in the local school system.

Grade One and Two Program Features

1. Daily the student receives native language instruction in basic language and learning skills with a stress on the communication competencies (including appropriate reading and writing skills[25]), thinking abilities and study skills. Such instruction continues until objective assessment proves the student has mastered the learning skills necessary for transference to English-only instruction, and has achieved the same learning skills which his or her English peers have mastered.

2. Periodically the target student receives native language counseling or guidance to aid the student in adapting to American educational and social processes, and adjusting to the differences and conflicts between the student's culture and the English culture of the United States. Related learning problems would be assessed with appropriate instruments and procedures by the native language counselor.

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[25] *If the primary language of the student does not have a written form, instructional activities would stress the necessary listening and oral comprehension skills, the critical thinking abilities, and the abilities necessary for verbally expressing and discussing complex concepts, feelings, and descriptions.*

3. The student receives two sessions of thirty minutes each of English language development daily. This instruction stresses communicative competencies, language arts abilities of listening, speaking, reading and writing skills, and the development of appropriate cognitive, conceptual and study skills.

4. For the rest of the instructional day, the LEP student receives instruction in appropriate content areas with native language and/or English support.[26]

5. The LEP student participates in all activities which do not require English language proficiency.

6. Periodically, but regularly, LEP and English fluent students participate in multi-cultural instructional activities which promote multicultural understanding and knowledge. These would include integration into language or content area instruction units or lessons about diverse cultures which are represented in our society with an emphasis on those national origin backgrounds of the English dominant and limited English proficient students enrolled in the local school system.

Grade 3 through Grade 12 Program Features

1. The LEP student receives for 45-50 minutes or one class period native language instruction daily which stresses basic language arts, including reading and writing appropriate to the student's developmental and psycho-social level. Instruction will emphasize
development and/or refinement of the reading, composition, critical thinking skills which will become the foundation for academic achievement in English language standard curriculum classrooms or coursework.

   a. A part of this native language instruction will include information and discussion of American educational and socio-cultural characteristics, and will aim towards developing crosscultural understanding.

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[26] *For this instruction to be effective, relevant staff members should be trained in the principles of second language acquisition as well as the appropriate instructional methods, materials development, and assessment techniques for successfully teaching LEP students in the standard curriculum environment.*

b. Native language instruction continues until objective assessment proves the student has developed the learning skills necessary for learning in the English language classroom on parity with his or her English peers.

2. The target student(s) receives periodic native language counseling to aid the student in adjusting to the American educational process and expectations/goals of the English language socio-economic community.

3. The student receives two full periods of English as a second language instruction daily. This instruction is based on his/her current proficiency, and reflects a sequenced curriculum for developing the linguistic, paralinguistic and cognitive skills necessary for communicating and learning with the English language.

   a. Daily for 45-50 minutes or one full class period the LEP student receives aural-oral English as a second language instruction with a stress on communication competencies and listening and speaking skills.

   b. Daily for 45-50 minutes or one full class period, the LEP student receives instruction in English as a second language reading and writing skills with an emphasis on the reading, comprehension, language structure study, spelling, higher level cognitive skills, and study skills appropriate to the student's age, developmental and psycho-social levels. Suitable materials and instructional approaches for teaching reading and writing skills to LEP students will be used.

4. For the remainder of the school day, the LEP student receives English language instruction in selected and appropriate subjects or content areas with materials and instructional approaches specifically designed for the limited English proficient student.

5. The LEP student participates in all activities which do not require English language proficiency.

6. Periodically but regularly, LEP and English fluent students participate in multi-cultural instructional activities which promote multicultural understanding and knowledge. This would include integration into language or content area instruction units or lessons about diverse cultures which are represented in our society with an emphasis on those national origin backgrounds of the English dominant and limited English proficient students enrolled in the local school system.

Massachusetts General Laws, Chapter 69, Section 35
The Bureau of Transitional Bilingual Education

35. There shall be established within the department, subject to appropriation, a bureau of transitional bilingual education which shall be headed by a project director. The project director shall be appointed by the board of education upon the recommendation of the commissioner, and said project director shall have the minimum qualifications of a bachelor's degree in either business administration, liberal arts, or science, and shall have at least two years of documented administrative or teaching experience. The project director shall file a quarterly report with the board of education, the clerk of the house of representatives and the clerk of the senate.

The bureau for transitional bilingual education shall be charged with the following duties: (1) to assist the department in the administration and enforcement of the provisions of chapter seventy-one A and in the formulation of the regulations provided for in said chapter, (2) to study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed toward meeting the language capability needs of children and adults of limited English-speaking ability resident in the commonwealth, (3) to compile information about the theory and practice of transitional bilingual education in the commonwealth and elsewhere, to encourage experimentation and innovation in the field of transitional bilingual education, and to make an annual report to the general court and the governor, (4) to provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the planning, development, and evaluation of transitional bilingual education programs in the districts serving their children, and to provide for the maximum practicable of parents of limited English-speaking ability, teachers and teachers' aides of transitional bilingual education, community coordinators, representatives of community groups, educators and laymen knowledgeable in the field of transitional bilingual education in the formulation of policy and procedures relating to the administration of chapter seventy-one A by the commonwealth, (5) to consult with other public departments and agencies, including but not limited to the department of community affairs, the department of public welfare, the division of employment security, and the Massachusetts commission against discrimination, in connection with the administration of said chapter, (6) to make recommendations to the department in the areas of pre-service and in-service training for teachers of transitional bilingual education programs, curriculum development, testing and testing mechanisms, and the development of materials for transitional bilingual education courses, and (7) to undertake any further activities which may assist the department in the full implementation of said chapter.